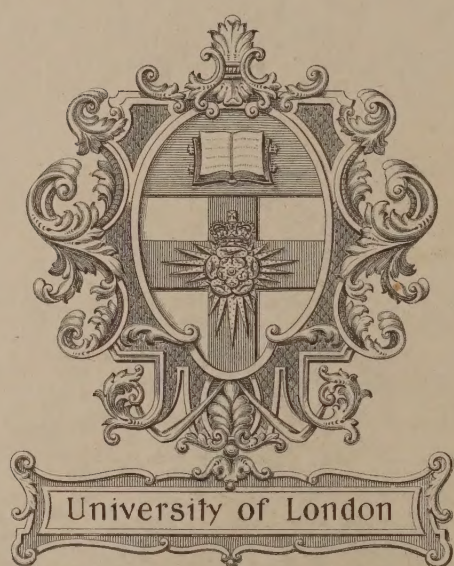






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ACCOUNTS AND PAPERS:

THIRTY-TWO VOLUMES.

— (15.) —

ELECTION PETITIONS.

Session

10 *December* 1868 — 11 *August* 1869.

VOL. XLVIII.

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ACCOUNTS AND PAPERS:

1868-9.

THIRTY-TWO VOLUMES:—CONTENTS OF THE FIFTEENTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N^o at the foot of each Paper; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

ELECTION PETITIONS, 1869:

Judgments:

- ✓ 120. Shorthand Writers' Notes of the Judgments delivered by the Judges selected in pursuance of "The Parliamentary Elections Act, 1868," for the Trial of Election Petitions - - - - - p. 1
- ✓ 120-I. Further Return of the Shorthand Writers' Notes, &c.:—And, Certificates and Reports received from the Judges, and Proceedings in the Case of a Double Return:—Also, Lists of all Petitions complaining of undue Elections and Returns of Members to serve in Parliament, with the Names of the Petitioners and Respondents, &c. - - - - - 215

Beverley Election:

- ✓ 90. Minutes of the Evidence taken at the Trial of the Beverley Election Petition (1869) - - - - - 415

Bewdley Election:

- ✓ 9. Minutes of the Evidence taken at the Trial of the Bewdley Election Petition (1869) - - - - - 525

Bradford Election:

- ✓ 28. Minutes of the Evidence taken at the Trial of the Bradford Election Petitions (1869) - - - - - 697
-

ELECTION PETITIONS.

RETURN to an Order of the Honourable The House of Commons,
dated 12 March 1869;—for,

COPY “of the SHORTHAND WRITERS’ NOTES of the JUDGMENTS delivered
by the JUDGES selected in pursuance of ‘The PARLIAMENTARY ELECTIONS
ACT, 1868,’ for the TRIAL of ELECTION PETITIONS.”

PART I.

	PAGE		PAGE
Beverley - - - - -	2	Norwich - - - - -	123
Bewdley - - - - -	6	Oldham - - - - -	127
Blackburn - - - - -	11	Penryn - - - - -	128
Bodmin - - - - -	25	Salford - - - - -	138
Bradford (Nos. 1 and 2) - - - - -	35	Sligo (Borough) - - - - -	144
Bridgwater - - - - -	44	Stalybridge - - - - -	156
Cheltenham - - - - -	46	Tamworth - - - - -	163
Coventry - - - - -	53	Wallingford - - - - -	184
Dover - - - - -	69	Warrington - - - - -	189
Dublin (City) - - - - -	69	Westbury - - - - -	191
Greenock - - - - -	91	Westminster - - - - -	198
Guildford - - - - -	99	Wexford (Borough) - - - - -	202
Hereford - - - - -	106	Wigan - - - - -	203
King's Lynn - - - - -	113	Windsor - - - - -	208
Lichfield - - - - -	115		

Journal Office, }
April 1869. }

J. L. POSTLETHWAITE,
Clerk of the Journals.

(*Mr. Attorney General.*)

*Ordered, by The House of Commons, to be Printed,
2 April 1869.*

COPY of the SHORTHAND WRITERS' NOTES of the JUDGMENTS delivered by the JUDGES selected in pursuance of "The PARLIAMENTARY ELECTIONS ACT, 1868," for the TRIAL of ELECTION PETITIONS.

Beverley.

BEVERLEY ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 11 March 1869.

Mr. Baron *Martin*.] THIS is a Petition presented by Luke Hind, John Armstrong, and Joseph Dannatt, which prays that it may be determined that Sir Henry Edwards and Edmund Hegan Kennard were not duly elected or returned at the late election, and that their election is void. It states two grounds upon which the election is sought to be so declared. The first is, that these gentlemen were guilty of the offences provided against by the 2nd section of the 17 & 18 Vict. c. 102, which relates to bribery; and by the 4th section of the same Act, which relates to treating; and by the 5th section, which relates to undue influence. But the last averment in this Petition charges, as it seems to me, sufficiently well that this election is void by reason of the general bribery of a mass of persons who voted at it, whose votes were therefore worthless and of no avail. That seems to me to be sufficiently averred in the fourth paragraph of this Petition. I have given this matter as much consideration as is in my power, and if I thought it at all likely that further consideration would alter the view I have formed, I would postpone my judgment until to-morrow morning; but the conclusion that I have arrived at is a very clear one, and I think, for the reasons I shall state, that I am called upon to declare this election to be null and void.

The law upon this subject is perfectly clear. When persons have conferred upon them the franchise of voting at an election for Members of Parliament, or for any other office of trust, the law imposes upon them the duty of exercising that franchise honestly, and without being unduly influenced. It is the duty of every person who obtains the franchise so to act, and his real duty is to endeavour to determine which of the candidates he in his conscience believes to be the best fitted to represent the interests of the country in Parliament, and to vote for that man. Now, no doubt this is a duty of imperfect obligation, and that there are many influences which induce a voter not to act upon it, and which the law cannot prevent. No law could prevent the influence of relationship upon a person when called upon to vote for a relation; no law could prevent a man voting for a friend whom he had long known. Nor could it be possible to prevent gratitude for services conferred from having influence upon a person about to vote. These are influences which will exist as long as human nature exists, and no law could control them. Again, there are other influences which, in the same way, no law can control. The influence arising from high birth; from the candidate living in the neighbourhood of the town, and being known and respected there. This is a sort of influence which will exist, and properly ought to exist; but there have, from the earliest times, been what are called undue influences, and if a voter's mind is affected by an undue influence when giving his vote, the vote is void. A man giving a vote for a Member of Parliament under what the law deems undue influence gives no vote at all. It is the vote of a man who is incompetent to give one. The influence is difficult to be got at, but when it is got at it destroys the vote.

This is the common law of England; it depends upon no statute. It is true that the law was administered for years, indeed up to the present year, by a tribunal of persons not necessarily connected with the law, and there is no doubt that contradictory decisions have been given by Committees of the House of Commons, in my belief, intending to do what was right. But the matter is now to be decided by a judge appointed for the purpose. I need not say more, than that I sit under the compulsion of an Act of Parliament to try this case. It is no voluntary act of mine; I am sitting here under the compulsion of an Act of Parliament, and of the resolution of the Judges that it was my duty to undertake this office.

Now this is the common law, and it is a consequence of it, that if the judge is satisfied that the votes of a considerable number of persons were corrupted and bribed (in this case

case I think there is evidence that from 800 to 1,000 were), if he arrives at that conclusion, however innocent the candidate may be, and though himself unconnected with corrupt practices, his election is void, by reason of the incapacity of the voters because of general corruption, to give valid and effective votes.

Corruption has existed to a very great extent in England, and Parliament has for the last 200 years, from time to time, endeavoured to stem it. They have enacted very many Acts, and the Acts which now exist are exceedingly strong and cogent. But in deciding that a Member is incapacitated from sitting by reason of an Act of Parliament, the judge must be satisfied that within the words of the Act a thing has been done for which the enactment declares his election to be void. And it is a mistake, which I have seen repeatedly in print during the last six weeks, to suppose that a judge in deciding upon an Election Petition may deal arbitrarily and according to his discretion with it; that if he thinks a thing has been done wrong by a candidate, although the Act of Parliament does not declare that it shall vacate the seat, he, exercising his discretion upon it, may declare the seat to be void, and so unseat the Member. I have seen that mistake in print more than once; and it seems to be supposed that if a thing is done by a candidate which is contrary to some Act of Parliament, the judge—although the Act does not provide that it shall cause a forfeiture of the seat—is to interfere and say, of his own mere will, that it does. But such is not the law; he has no discretion in the matter; he has to take the Act of Parliament and read it and give it its true construction, and except the facts are proved which the Act declares to affect the seat, he has no right to unseat the candidate. A judge is just as much bound by the law in trying an Election Petition as if he were trying a case at *Nisi Prius*, or trying a man for his life at York. He has no discretion whatever in the matter, he has merely to carry out the law.

With regard to the supposed offences against the Act of Parliament, I do not say that there is no evidence of them, because I think there is; but if the case rested upon the Act of Parliament alone, I should think that it would fail for want of proof of agency within the meaning of the statute. The case of undue influence that was brought forward yesterday with respect to the man Whitton, fails because there was no agency proved between Whitton and these gentlemen; and therefore the question depends upon the common law, and the facts which have been proved before me, and the inferences which I draw from them.

The facts are all pretty clear, and I am not aware of any discrepancy upon them, except that Mr. Wreghitt has sworn that what Vickers swore yesterday with respect to the 100 *l.* was not true. He also denied what was said with regard to a sum of 40 *l.* paid upon some former election; he says that that is not true. Whether he or Vickers was telling the truth I know not, nor is it material for me to decide, for in my judgment these matters are immaterial in the present case.

The facts are these, and I am now speaking of undoubted facts, proved as well by the evidence for the respondents as for the petitioners. It appears that Sir Henry Edwards is chairman of a company here, for the manufacture of waggons and agricultural implements, called the Beverley Waggon Company (Limited). And far be it from me to say that the circumstance of his being chairman of such a company is any disqualification for his sitting in Parliament. On the contrary, I think that no man is more fit to represent a town like Beverley than a man who is connected with business in it. I know no one who, *primâ facie*, is more entitled to consideration than such a man. The manager of that company is Mr. Norfolk, whose evidence we had to-day, and we shall see hereafter what part he took with regard to this matter.

It appears further, not merely from the evidence of Vickers, but from the evidence of Mr. Wreghitt himself, that the latter has been the agent of Sir Henry Edwards for the last 12 years. It seems that at the commencement of that time the constitution of the town council in this borough was a mixed constitution of Conservatives and Liberals, which is generally the case throughout the kingdom; but Mr. Wreghitt has stated that since then there has been bribery in every municipal election where a contest has taken place, and that the amount spent has averaged from 50 *l.* to 70 *l.* a year, and upon the contested elections, from 130 *l.* to 140 *l.*; in one election which occurred before, he said 300 *l.* was spent; but there has been systematic bribery at the elections of the town council of this borough for the 12 years during which he has acted as agent for Sir Henry Edwards. It may not be the result or the consequence of it, but the fact is, that that body is now substantially of one political party, and is now wholly in the hands of that party to which Mr. Wreghitt and Sir Henry Edwards belong.

But the matter does not rest here. The freemen of this town have a large quantity of land in which they are entitled to rights of pasture. Their rights are regulated by an Act of Parliament, the effect of which is that there are to be annually chosen 12 persons, who are called "pasture masters," and from the account which lies before me, they employ tradesmen and labourers to a considerable amount. I see that in one year 154 *l.* 18 *s.* seems to have been so expended by them. The annual income seems to be 940 *l.*, a very large sum of money. It is not contradicted that from the time Mr. Wreghitt has acted in this borough, bribery has been made use of at every election of these pasture masters, and the effect has been that the whole of them are now of the one political party. It formerly was the practice that six of one side and six of the other held these offices.

These pasture-masters, under the will of a person named Walker, have the distribution

Beverley.

of the interest of 1,400 *l.* Railway Stock, and nothing can be more plain and distinct than the direction of the will upon the matter. It is "to be divided amongst such poor freemen of the borough of Beverley, or their widows, or sons, as may require the same, by reason of losses that they may have sustained by the death of their horses, cattle, sheep, or pigs, and to enable them to purchase stock or carts, or necessary things of a like nature, to help them on in the world." And it is declared to be his wish and intention "that such payments and assistance should be made in such substantial sums as would effect the object that he had in view, and that they should not be given in any smaller amounts, so as to embrace a greater number of objects." I have before me an account of the manner in which this gift has been distributed last year, and instead of being distributed in considerable sums, it is distributed in a number of small sums. It extends over a great number of persons, and amongst them there are 33 who have votes, and of those, 26 votes were given for Sir Henry Edwards and Captain Kennard at the last election.

Now, if the case had rested here, you would have had in this borough bribing at the municipal elections, and in the result, the whole of the body substantially merged in one political party. You would have had that done avowedly by bribery and corruption; you would have had the Beverley pasture-masters elected in the same way by bribery and corruption, and the money distributed in the manner I have stated. That would itself be a matter that would tell much in consideration of the present question; but that is not all. It was known in the summer that the general election would take place as soon as the register could be completed. The then Government were pledged to that, and it was stated, in a letter from Mr. Hardy to the Mayor of Birmingham, that the dissolution would take place about the 12th November. It was therefore perfectly well known that the election would take place some time in November. The municipal election was held upon the 2nd November, and the other was imminent, and did, in point of fact, take place that day fortnight. Upon the Saturday before the municipal election, and upon the Monday (the day of the election), Mr. Norfolk (whose salary is 800 *l.* a year) applied to a bank in this town, and procured credit for the sum of 800 *l.* He did not want the money himself, but he obtained from the bank this sum of 800 *l.* upon his credit, and gave it for the purpose of being distributed in bribery to the men he named, several of whom were persons who have been proved to have accompanied Sir Henry Edwards and Captain Kennard during their canvass, and not one of them is called as a witness upon this trial. And although Mr. Wreghitt stated (and I have no doubt stated correctly) that the highest sum he had ever known employed in any previous municipal election for the purposes of bribery was from 120 *l.* to 130 *l.*, upon Monday, the 2nd of November last, a fortnight before the Parliamentary election, the sum of 800 *l.* (six times as much as had ever been spent before) was spent in bribing. And by whom was it spent? It was spent by persons who are named—Mr. Lowther, Mr. Thirsk, and others, all active supporters of Sir H. Edwards.

But again, it is proved, and not disputed, that in the early part of the day the municipal election was decided; the money had done its work, and the Conservative party had obtained an overwhelming majority. But it is proved most distinctly, that after that was done man after man was bribed with sums varying from 1 *l.* to 15 *s.*; and it was proved, and not disputed, that the ordinary bribe at municipal elections did not exceed 5 *s.*; that it ranged from 2 *s.* to 5 *s.*, and no evidence was given to the contrary. So that upon the 2nd of November last the bribe rose from 5 *s.*, the utmost that had been given before, to three times that sum, and in some instances to four times. It was stated to-day in the witness-box by the gentleman who provided this money (Mr. Norfolk), that the 800 *l.* was so spent. Now, assuming that it was 1 *l.* each, there would be 800 persons bribed. Assuming it was 17 *s.* 6 *d.* or 15 *s.*, of course the number would be larger, and I think that the evidence shows that in all probability there were bribed for the purpose of that municipal election a number approaching to 1,000 persons. Those persons are probably of a low class of life. There are 2,600 voters in this borough, and it would appear that for the municipal election (and the voters are pretty nearly the same persons who vote for the borough election) there were 800 persons at least to whom money was paid; so that the state of things was, that upon the Monday fortnight before the borough election 800 *l.* had been distributed substantially among the people who were about to vote at it by members of the Conservative party, many of whom accompanied Sir Henry Edwards and Captain Kennard in their canvass. What, then, is the inference to be drawn from that? Four or five witnesses, as Mr. Serjeant Sargood stated, swore they were told at the time that the money was for "the double event," which people in the East Riding of Yorkshire will readily understand. When I find the actual bribers, the persons who paid this money, active in support of the two candidates, and going about with them in their canvass; when I find bribes four times as much as the hitherto ordinary bribe, and when I find such an enormous sum of money spent, what conclusion can I, or can anyone, possibly draw from these facts? The conclusion, as it seems to me, is inevitable, that it was spent for the purpose of influencing the borough election as well as the municipal one. It seems to me that this is confirmed by every circumstance in the case. I fully accept what Sir Henry Edwards and what Captain Kennard say; I have no desire to impute to them any other than that they gave their evidence truly. But just consider what their partizans must have been. They were in company with them for a whole fortnight after the bribery. Lowther and Thirsk were both engaged in distributing the money, and yet those men never mentioned to Sir Henry Edwards or Captain Kennard what had taken place.

What

What does that tell to anyone, but that they knew the wicked work in which they had been concerned, and that they would not mention it to Sir Henry Edwards or Captain Kennard, because they thought (and I have no reason to say otherwise) that those two gentlemen would have stated their dissatisfaction and their unwillingness to be concerned in such a transaction; but that it was meant and intended for the purpose of the borough election, I have no more doubt in my own mind than that I am sitting in this chair. The men who bribed Lowther, Thirsk, Watson, and Vernom, are not one of them called to deny a single word that has been said. They are in this town, and could have been called without the slightest difficulty, but not one of them has been. What inference can any man draw from that, but that they perfectly well knew that if they were in the witness box it would be dragged from them that it was for the borough election they were acting as well as for the municipal? Not a man has been called for the Respondents connected with this town except Mr. Wreghitt, of whom I have already spoken, and Mr. Norfolk, the man who supplied the money. None of the others are called; and altogether it seems to me that the inference is irresistible, that this money was employed by them not only for the purpose of the municipal election, but also for the Parliamentary, and that there were a number of persons, to the extent that I have mentioned, bribed; for if they were not to that extent, the persons who did it being all partizans of the two gentlemen who were returned, could have been called to give an accurate account of the number. The book which Watson kept could have been produced, and it would have been seen who got the money from him; they could have told us, I have no doubt, every individual who received a bribe. The name of every person was probably taken down in writing, and could have been proved; and if this had been done, it would, I have no doubt, been found that the bribes had been paid to persons who were voters at the borough election, and that they had received bribes in regard to it. If that is so; if that is the legitimate conclusion to be drawn from the facts, what is the answer to it? Why, there is no answer at all. What answer do Mr. Norfolk and Mr. Wreghitt give to it? Mr. Norfolk says that he did not know anything about it. I daresay that he spoke the truth; he had given the money, and he kept away from it; he told us that he never came into the town except to his dinner. I have no doubt it is the truth that he did not know anything about it. But why did he not? Because he kept back purposely, and would not know. Again, Mr. Wreghitt would know. I cannot believe that a man who, according to his own account, had known of the bribing in this town in respect of municipal elections, could have been ignorant of what was going on on the day of the last election; yet we have no explanation whatever of it. The conclusion, therefore, that I come to is, that this money was expended in bribery; that that bribery was intended to operate upon both elections, and that it was to such an extent as to be general, that by the common law an election effected by such means was vicious from the commencement, and that no Members can hold their seats elected by such a bribed body of people, and that the election is null and void. And it is only right that it should be so. The law contemplates, as I have said, that the electors should give their votes purely and from conscientious motives, and that persons who go to Parliament should be elected by pure and free voters. The Member who goes into Parliament does not go merely to represent this town; he is not a Member for this town only; he is a Member for the British Empire; he is a Member to represent the interests of all, and to bind by his legislative acts every individual who lives under the Crown of England, whether within the United Kingdom or out of it; and therefore everyone has an interest in having men returned to Parliament by pure and honest means. And, again, as has been pointed out in one of the ablest judgments that have been given in these election inquiries, the minority have an interest in respect to this matter. The minority of the electors in a town have a right to have a man sent to Parliament who really and honestly represents honest electors, and they have a right to complain if such means are resorted to as have been resorted to here, for the purpose of influencing voters; and the colour that the bribe was given professedly for the municipal election, and that some witnesses said, "We received nothing for the borough election," is of no avail. It is quite true that they did not, in a sense; it was not paid to them the day before they went up to vote, but there was paid to them a fortnight before a sum far above the ordinary bribe, and they well understood what was the meaning of it; it was sworn by several people that it was said on the day what was its meaning. But if there was no such evidence at all, I should draw the conclusion from the fact of such an enormous sum of money being spent for the municipal election, that it was intended to operate, and did operate and did influence the votes given at the Parliamentary election. It was said yesterday, by Mr. Serjeant Ballantine, that a very great number of the 60 people who were called to prove that they had received this money voted the other way. It is perfectly true. But if we had had called before us the persons who paid the bribes, then we should have known to whom the residue of the money was paid; there could not have been 60 *l.* paid to the persons who were witnesses, because a considerable number of them were paid 17 *s.* 6 *d.* and 15 *s.*; but where the rest, the 740 *l.*, went to, we know nothing, except that it almost all went in bribery, and never shall know anything, except that possibly an inquiry may take place in this town, when it may be ascertained.

I, therefore, am of opinion that this election is void at common law; that there is no necessity to have recourse to the statute at all; that there were a very very great number

Beverley.

of the electors of this borough, who were bribed, and who gave their votes at the election, under the influence of bribery; under the influence of money, which if general has from the earliest ages of history been held to vitiate an election. Bribery is an indictable offence at common law; the briber and the bribed are equally indictable, and the Legislature have heaped up section upon section and Act upon Act, for the purpose of endeavouring to stop it, but the common law is still as it was, and in my judgment, by the operation of the common law, this election was a void election, and I shall so report to the Speaker.

I have some other matters to report upon with regard to this election, which I shall willingly do; I shall report that no evidence has been given before me to show that corrupt practices have been proved to have been committed, with the knowledge or consent of the candidates, at the election. I have pleasure in giving all credit to the evidence of the two gentlemen who have been examined; it would be wrong in me to state the contrary, after the evidence they have given. I, therefore, have pleasure in reporting that no corrupt practice has been proved before me, to have been committed, with the knowledge or consent of the candidates.

I have also to make a report whether corrupt practices have, or there is reason to believe that corrupt practices have, extensively prevailed in the election. I shall report to the Speaker that I think there is reason to believe that corrupt practices have so extensively prevailed. I am further called upon to make a special report with respect to matters arising in the course of the trial, which I think ought to be submitted to the House of Commons; I shall state substantially the evidence which has been laid before me, and it will then be for the House of Commons and the Attorney General to deal with it in such a manner as they think fit; the costs will follow the event.

Mr. *Giffard*.] With regard to the 12th section of the Act, I do not know whether your Lordship thinks that there was anything in the objection that was raised as to the admissibility of the evidence; your Lordship knows that I objected to the class of evidence going back beyond the particular election.

Mr. Baron *Martin*.] You did not object in such a way that I would reserve it at all; I did not understand the objection in that form, and took no note of it.

Mr. *Giffard*.] I am extremely sorry for it; I handed your Lordship Mr. Justice Blackburn's decision.

Mr. Baron *Martin*.] It is the invariable practice at *Nisi Prius*, that, if any gentleman intends any point of that kind reserved, he should intimate his intention.

Mr. *Giffard*.] I had intended to do so, and I am sorry your Lordship did not understand me so.

BEWDLEY ELECTION.

Bewdley.

JUDGMENT delivered by Mr. Justice *Blackburn*, 25th January 1869.

Mr. Justice *Blackburn*.] THERE are one or two small matters that I must reserve till I have read the notes carefully, and to which I shall refer a little later. But as to the general question, and the general grounds on which my decision proceeds, I can state them at once without any delay.

With regard to the case as it affects Sir Richard Glass, I do not think that anything has been brought forward here that would justify me at all in saying that Sir Richard Glass was personally cognisant of, or individually a party to, illegal practices. I think that Sir Richard Glass wished to be returned, and wished to be returned purely, and that he intended that everything should be done properly. There is some evidence that would go against Sir Richard Glass on that point, but I do not think it is by any means enough to lead me to the contrary conclusion. But Sir Richard Glass, like every other candidate who employs persons for him (agents to use the general term), is of course answerable (although penalties would not attach to him for the act unless it was authorised by him), to the extent of losing his seat, if any person employed in the election as an agent for him was guilty of a corrupt practice.

Now, as to that, it is a matter of general importance that it should be known what would constitute evidence of being an agent or being employed. And upon that I can only say in general that I think one could not lay down a precise rule. I think that every instance in which it is shown that, either with the knowledge of the Member or candidate himself, or to the knowledge of his agents who had employment from him, a person acts at all in furthering the election for him, in trying to get votes for him, is evidence tending to show that the person so acting was authorised to
act

act as his agent. I do not think it is by any means essential that it should be shown that a person so employed, in order to be an agent for that purpose, is paid in the slightest degree, or is in the nature of being a paid person. But I think it is a question what is sufficient evidence upon that point. I should apprehend that where there is evidence given, as in this case, that when the candidate is going about canvassing, a gentleman goes previously and requests voters, in some such way as this, "Will you meet Sir Richard Glass in such and such a place?" And then, when he comes to that place, says, "Here is Sir Richard Glass come to ask for your vote;" or says to the person, what would certainly be implied or understood, "Here is Sir Richard, for whom I wish you to vote." All that is evidence to show that that person was an agent. And I take it that the question for the Court sitting to try the case comes ultimately to be, whether, upon the aggregate of all these things taken together, of which each in itself is little, but is certainly some evidence, the person is shown to have been employed to such an extent as to make him an agent for whom the candidate would be responsible. That, I apprehend, will be the point upon which Judges will find the greatest difficulty, where there is some evidence, which, if there was a jury, you could not withdraw from it; cases in which every one would agree that there was some evidence; the question is whether that evidence is sufficient or not. In each case the Judge must decide, treating himself as a jury or an election committee. I take it that in each case the Judge must bring common sense to bear upon it, and satisfy himself whether it is sufficient or not. I do not think that such a question as that would turn upon minute particulars as to what particular words were used or what particular thing was done, but upon the common-sense broad view of it.

In the present case I feel no difficulty whatever about it; because, in the present case, it is clearly proved, and not a disputed fact, that Sir Richard Glass deposited a considerable sum, 1,100 l. altogether, in the hands of Mr. Crowther and Mr. Pardoe, directing them in his letters (and I see no reason to doubt directing them *bonâ fide*) that they should apply that money to honest and good purposes, but giving that money to them, and not exercising, either personally or by anyone else, any control over the manner in which that money was to be spent, and not, in fact, knowing how that money was spent. Upon that I can come to no other conclusion than this: that he did make these two persons (it applies principally to Mr. Pardoe, but it applies to Mr. Crowther also) his agents for the election to almost the fullest extent to which agency can be given; and I think that a person proved to be an agent to this extent does not merely himself stand as an agent to the candidate (in this instance Sir Richard Glass), but also that a person proved to be agent to this extent makes those agents whom he employs. The extent to which a person is an agent differs according to what he is shown to have done. I take it that an agent employed so extensively as is shown here does make the candidate responsible, not only for his own acts, but also for the acts of those whom he, the agent, did so employ, even though they are persons whom the candidate might not know or be brought in personal contact with.

The analogy which I put to Mr. Giffard in the course of the case, I think, is a strong one; but it would convey my meaning more to a lawyer than to the general public the analogy of the liability of the sheriff for the undersheriff, where he is not merely responsible for the acts which he himself has done, but also for the acts of those whom the undersheriff employs, and not only responsible for the acts done by virtue of the mandate, but also for the acts done under colour of the mandate, matters which have been carried very far indeed in relation to the sheriff. I need not enter upon the extent to which that goes in law, but to a lawyer that would indicate at once to what extent the responsibility for an agent who was shown to be so extensively employed as those agents who had funds put into their hands for the purpose of the election does fix the candidate.

Then it comes to this question. Is it shown that there was any corrupt practice on the part of the agents thus employed, or on the part of those whom they employed for them? Now upon that, the first question is the question of treating. The statute which now regulates treating, the 17 & 18 Vict. c. 102, s. 4, "The Corrupt Practices Act," makes it a distinct matter. "Every candidate at an election who shall corruptly by himself, or by or with any other person, or by any other ways or means on his behalf, at any time either before, during, or after any election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, entertainment, or provision, to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person to give or refrain from giving his vote," &c. Looking at those words, it is plain that those who prepared the Act have endeavoured to take in almost everything that could possibly be taken in, but they have very properly and wisely, I think, governed it all by the word "corruptly." And upon that word "corruptly," I think there can be no doubt at all that the true construction of the Act is that which was stated by Mr. Justice Willes in giving his opinion in the House of Lords in the case which has been referred to, *Cooper v. Slade*, that "corruptly" there does not mean wickedly, or immorally, or dishonestly, or anything of the sort, but with the object and intention of doing that which the Legislature plainly meant to forbid. In fact, giving meat or drink is treating when the person who gives it has an intention of treating, not otherwise; and in all cases where there is any evidence to show that meat or drink has been given, it is a question of fact for the Judge to try the matter whether he thinks that the intention is made out by the evidence, which, in every indi-

Bewdley.

vidual case, must stand upon its own grounds, and upon which I can only remark, as I did in the course of the inquiry, when speaking to Mr. Giffard; but I state it now deliberately, that although each individual case may be a mere feather's weight by itself, and so small that one would not act upon it, yet, if there is a large number of such cases, a large number of slight cases will together make a strong one; and consequently it would always be a very important inquiry what was the scale, the amount, and the extent to which it was done. To illustrate my meaning, I will take one of the small cases that were pointed out. I cannot doubt at all the fact that when Sir Richard Glass had been speaking for some time to a man (I believe Dark is his name), who I think was not a voter, one of the people in the company of Sir Richard Glass did give that man a shilling to drink Sir Richard Glass's health, and that was evidence tending to show treating. But if that stood alone, and if I were considering whether such a thing fell within the meaning of and proved "corrupt treating," I should not think so. I think that in considering what is corrupt treating, and what is not, we must look broadly to the common sense of the thing. There is an old legal maxim, "*Inter apices juris summa injuria*." To go by the strict letter of the law often would produce very grave wrong. I think that if we were to say that an election was void upon a single case of that sort, we should be going to the "*apices juris*," and that the result would be "*summa injuria*." Therefore, the inquiry must be as to the extent and amount of such cases.

But the evidence here shows that a large number of public-houses, very nearly 20 (I think 19 or 20), were at many times during the election habitually open, and whoever went in there to get drink got drink. When we find that done, it would be a perfect mockery if one were to say that he doubted that that was done with a corrupt intention, with an intention that it might produce the mischief which the Legislature intended to forbid under the name of treating, and that it was consequently corrupt treating.

Then comes the question by whom was it done? Was it done by any agent for whom Sir Richard Glass is responsible? We had at first a great deal of circumstantial evidence about that; but now it comes at last to this, that Burnish, Pardoe's clerk, who was very considerably employed during this election as Pardoe's clerk, did order all this drink and control the beer. That he gave it, and that he did so from a corrupt motive, I think there can be no question at all.

Another question which seems material is, whether or no Pardoe, his employer, was at all cognizant of or responsible for this. But as far as avoiding the election goes, I have no hesitation whatever in coming to the conclusion that Pardoe himself being employed as he was in the election generally, and money put in his hands to distribute (I do not rely so much upon his being election agent to pay money alone, because it might be given to a person to pay against vouchers, who was in no way connected with the election at all), as an agent of Sir Richard Glass, and that every person whom he employed in the election is also an agent of Sir Richard Glass. Then comes the question, is there evidence here, which I can reasonably doubt, that Burnish was so employed for the purposes of the election? I find that he was Pardoe's clerk, and that during almost all this time he seems to have been busily engaged, chiefly about election matters, although he appears to have done some other things also. Among the few expenses paid by the election agent, there is a bill for some weeks, I think it was, for Burnish's residence, and board and lodging in the neighbourhood, showing that he was, during all that time, employed on election business. Taking all those circumstances together, I consider that, even if Burnish had ordered all this drink and all this treating with his own hand, without authority from anybody, and paid for it out of his own pocket, that of itself would have been sufficient to avoid the election. I mention that, because I think it desirable that it should be known how far I go, and what the law is, upon the evidence. But I think, as a matter of fact, it is impossible to doubt that Burnish did not mean to pay it out of his own pocket, and did not mean to pay it out of the funds of what is called the Conservative Working Men's Association, and that he did mean to pledge, when he ordered these large quantities of drink, and that it was understood by those who were furnishing it that he was pledging, the election funds; that he was pledging Messrs. Pardoe and the other people who paid the election money, and that this was intended to be paid out of the funds.

And here it becomes a material thing to see how the election expenses were returned. Mr. Pardoe was examined, and upon Mr. Pardoe's evidence it would seem that he himself, whether it was suggested by Mr. Stephen, was wilfully ignorant, or whether it was as Mr. Giffard rather explained it, as I gathered from something he said, that he had got somewhat superannuated, did not personally do much, but that he trusted everything to his clerks, including Burnish. Burnish is one of the persons who make out the list of the watchers to be paid. Burnish is the person who goes and attends all these meetings. Burnish is at the public-houses, and there is great force in Mr. Stephen's remark, that it is not credible that a man who has a salaried clerk would let that salaried clerk spend his time in public-houses and such places, and get remuneration for it unless he intended him to do so. I, therefore, can have no doubt in coming to the conclusion that Burnish was acting there as an agent for the purposes of the election of Sir Richard Glass, being employed by Mr. Pardoe for that purpose, and authorised by Mr. Pardoe for that purpose; and in consequence the corrupt treating, which is clearly proved to have been done by Burnish, is clearly proved to have been done by Mr. Pardoe also. That seems to me important, because, when I report, as I shall in my certificate, to the Speaker, that

Pardoe

Pardoe and Burnish are guilty of corrupt treating, that will render it impossible for them to act in any election matter, or to be employed in any election matter, for seven years to come; a thing which, of course, I should not do unless I were quite satisfied of the fact.

Another matter I must remark upon, and which weighs with me very much, is the mode in which the election expenses have been returned. At present I have not to do with the very stringent provisions of the Act of Parliament, or to say how far they may subject either Sir Richard Glass or Mr. Pardoe or Mr. Crowther to the penalties of that Act, nor how far they will practically prevent those people who have given credit for election expenses, and have not sent in their bills within a month, from being paid and recovering the money afterwards; all that will be for others to consider amongst themselves. I can only say, that if the practical result be that the keepers of the different public-houses, who have supplied the beer for the purpose, lose their payment, and find that instead of making money out of it they are losers of so much, I shall not regret it. But whether that is so or not I have nothing at present to do with that.

But I have to do with this; and I think it is a very important matter of evidence to see whether it would show anything corrupt, personally, on the part of Sir Richard Glass, or of his election agents. Now it is quite true that Sir Richard Glass, as Mr. Stephen pointed out, in paying money to Mr. Crowther, did, in the most direct terms, act contrary to the Election Auditors Act. He did then pay it to a person who was not declared to be the election agent. Then comes the question, does that show that Sir Richard Glass, when he paid that money into the hands of his agents, had a personal knowledge or intention that it should be bestowed in corrupt practices. Now upon that I cannot in the slightest degree doubt, myself, that the fact that a fund was placed in the hands of an agent by a candidate, if it is shown that that agent expended it in corrupt practices afterwards, is evidence tending to show that the candidate paying into those hands the money which was spent in corrupt practices, was himself intending that it should be spent in corrupt practices. I do not suppose that there has ever been in a corrupt election of any sort a candidate who was foolish enough, when he paid a large sum of money into the hands of a person, to say, "Bestow this in corrupt practices;" he would hand over a large sum of money to a person and say (I think I have seen this in novels), "On no account let there be any bribery, but bestow all this five or six thousand pounds on the poor." I should not doubt, if such a case came before me, in which the five or six thousand went in bribery, that the candidate did intend it to be done.

Then it seems to be a question to what extent it was shown, if the money was bestowed for corrupt practices, that the candidate who gave the money was aware of it; and in that case, also, the extent to which it was shown that there were corrupt practices would be very material. I think if it were shown that there had been here, as in many other boroughs in former times, and it may be now, extensive bribery, a large number of people bribed, corrupt clubs paid money, and so forth, it would be a very serious question whether the candidate, in putting money into the hands of his agents, was not personally cognizant of it. But it does not come to any such question here. Corrupt treating is shown, but I do not think it is shown that Sir Richard Glass expected it. Therefore I do not think that the evidence is enough to show that Sir Richard Glass, I will not say did not exactly mean the money to go in corrupt practices, but was willing that it should go in corrupt practices, when he paid it into his agents' hands. I do not think there is sufficient evidence in the case to make me find anything against Sir Richard Glass personally. I rather think that the very severe penalties that are attached to a candidate for being a party to a corrupt practice do not extend to all corrupt practices, but only to bribery. In the present case, however, there is nothing to show that any of this amount was bestowed upon bribery in such a way as to subject Sir Richard Glass to those penalties, even if personal knowledge were brought home to him; but I do not think that personal knowledge was brought home to him.

When you come to the other question, whether the money was properly bestowed, and whether Pardoe properly bestowed it, it is impossible to avoid coming to the conclusion, when you look at the mode in which these election expenses were returned, carefully avoiding returning very considerable items that had been actually paid before, sums which you cannot possibly suppose were omitted by accident, such as 120 £. and 90 £., and then the not complying with the Act of Parliament, which I should have thought any person must have distinctly understood who looked at it, by returning what were the expenses incurred, whether paid or not (for instance, the bill at the "George" of 120 £. could not have been left out by accident; I can hardly imagine that any person should have thought that that 120 £., though not actually paid, should not have been returned), that all that was done simply for the purpose of baffling the Act of Parliament, and rendering it a nullity, and not letting it be known what the money was spent for. All that is evidence leading to the conclusion that Mr. Pardoe knew perfectly well that the money was bestowed for purposes which would not bear the light of day. Though he may have frequently committed folly in the matter, the evidence leads to the conclusion that he knew that the money was so bestowed.

As I said before, I must, therefore, find and return distinctly that there was corrupt treating by Sir Richard Glass's agents, and that that corrupt treating extensively prevailed in the borough. I think I should say, in fairness there, that though there is some evidence that there were some on Mr. Lloyd's side who got drink, there is no evidence to show that there was any extensive giving of drink on his side, though there may have

Bewdley.

been some. There being this practice of treating to this extent in the borough, I think I must say, moreover, that Mr. Pardoe and Mr. Burnish were personally guilty of it. There was quite sufficient treating to upset the election. That is enough on that point.

Then comes another question on which I must make some observations, and that is the employment of watchers. Now I think that the fair result of what I gather from the evidence leads me to this conclusion, that it has been a long-established practice in Bewdley to pay men for what is called watching, but in reality is doing nothing. It has been an old practice which, I suppose, people consider a sort of perquisite of elections, and, therefore, it has been continued. This has been done, as far as the evidence goes, more extensively on one side than on the other; but it appears to have been done on both sides, and it is a very mischievous system. It comes within all the mischief of treating; in the first place, it indirectly influences the men, whether voters or not; if they are not voters it indirectly influences all their friends and other voters. In the second place, when it is given to voters, it would in all human probability lead to an expenditure by them in public-houses and elsewhere, which would indirectly influence voters. In that way it falls within all the mischief of treating, but no statute has yet been passed rendering it of the same effect as treating. Whether the Legislature will think proper to interfere with it hereafter it is not for me to say. It is quite true that where a voter has been employed, no matter whether he has been paid or not, where he has been retained with the expectation that he is to be paid, whether paid or not, his vote would be void. That several people here on this occasion acted as watchers, in the expectation and hope that they would afterwards be paid, I think, is pretty clearly made out. A warning having been given that if they were paid, their votes would be altogether void, that those people were not, in fact, paid is also perfectly plain. If it came to a scrutiny it would be material of course to see how many were actually employed; but on the present inquiry, the scrutiny having been abandoned, the question only is, whether or no the payment made to people for this work of watching, which I must say was not work at all, was with a view of procuring their votes so as to give them employment under this form, in which case it would be bribery. As to that, the evidence has not succeeded in bringing home any particular cases to that extent which would justify me in finding it; I think, therefore, upon this occasion I can only mention that this corrupt practice, for I think it is a corrupt practice, has prevailed. After the warning now given, I should think in the next contested election, whenever it takes place, people will be very cautious to avoid doing this, because otherwise the remark upon its being really bribery would be very strong. I must, then, report to the Speaker that there has prevailed such a corrupt practice to this extent.

The only other thing for me to consider is this, I think, as I have already pointed out, that the practice, of watching has an indirect tendency towards bribery and this practice does exist very extensively. But, upon the evidence before me, I think that, although it may have occurred in isolated cases, there is no ground for supposing that direct general bribery has prevailed to any extent in the borough. That being so, I shall mention that also, which is an important element to be considered.

Then there comes the question as to specific instances of bribery. The Act of Parliament requires me to mention every instance in which it has been proved before me that any particular person has been guilty of bribery or any corrupt practices. I must mention, therefore, what persons have been proved to me to have been guilty in those respects. There is nothing in this part of the case in regard to specific persons that would turn the general result at all. The effect could only be to avoid the election, and that is done already. I do not think that any evidence has been given to prove a person to have been bribed by an agent for whom Sir Richard Glass would be directly responsible. I do not think, therefore, that I need at present inquire into that branch of the case. Three or four persons have been mentioned who are alleged to have been bribed, and some evidence has been given upon those cases. I reserve for my consideration, before I make my certificate, which of them I shall mention as having been bribed. My decision will be known, of course, when I send in my certificate; but at present I do not enter into these individual cases or give the results beforehand.

The only thing remaining is the question as to the costs of the election petition. Now, as Mr. Lloyd has succeeded in showing that the election has been avoided by the acts of persons for whom Sir Richard Glass is responsible, the *prima facie* general rule, that the successful party has his costs, prevails. If it appeared that there was anything particularly vexatious or annoying I would deduct that from the costs; but at present I do not see that there is any head which I can strike off. I will hear any remarks which may be made upon it; but at present I must say that it seems to me that Sir Richard Glass must bear the costs.

Nothing further occurs to me as requiring to be said now. If there is anything which I have omitted, or which I am supposed to have omitted, I should be glad if either side would mention it.

Mr. Giffard submitted that the costs of preparation for the scrutiny ought not to fall upon the Respondent.

Mr. Justice Blackburn stated that inasmuch as the words of the Act in relation to the costs were, "And shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or Judge may determine;" and inasmuch as it might be fairly

fairly presumed that if the Petitioners had proceeded with the scrutiny, they would not have been successful in it, his decision was that the costs of the Petitioners should be borne by the Respondent, except those incurred solely and exclusively for the scrutiny.

Mr. *Fitzjames Stephen* reminded his Lordship that Bewdley and Stourport were independent places, and asked him to report that treating had not extensively prevailed at Stourport.

Mr. Justice *Blackburn* stated that he could not enter into that distinction, but must confine his Report to the borough as a whole.

Bewdley.

BLACKBURN ELECTION.

JUDGMENT delivered by Mr. Justice *Willes*, 16th March 1869.

Blackburn.

Mr. Justice *Willes*.] THIS is a petition praying that it may be determined that William Henry Hornby and Joseph Fielden were not nor was either of them duly elected or returned at the last election for this borough, and that the election should be declared void, and the petition states several grounds upon which the court is invited to arrive at that conclusion. One ground alleged was bribery. That is put forward in the petition. It was adhered to in the particulars delivered shortly before this case was coming on for trial. Another was treating. That, in like manner, was adhered to until a short time before the petition came on for trial. Both of those grounds for the petition have been abandoned, and there has not appeared in the course of the inquiry any reason for supposing that those grounds ought ever to have been laid, and I could have desired, with respect to this or any constituency anxious to maintain its honour and its credit, that those grounds, as they have been largely put forward on the part of the Petitioners, and specifically adhered to up to a late moment, had been more amply withdrawn. It must be taken that they did not exist. So far the election must be taken to have been a creditable election.

It has farther been suggested that the election was void upon the ground of undue influence, upon the ground that the voters were not left to the free exercise of the franchise as they were entitled to be, but that they were unduly influenced, partly by persons having authority over them as employers, or as servants of their employers who had a right to dismiss them, dismissing certain of them because of their political opinions, and thereby not only persecuting those who were sent away, but also intimidating those who were allowed to stay, and making it less easy for them to make up their minds in comfort, and to express their opinions with freedom.

Lastly, it was suggested by the petition that undue influence and intimidation, of the description charged, had extended (because so I must read the general clause with which the petition concludes) to such a length as to be general, and that the election ought to be declared to be void upon the ground of general corruption, whether in the shape of the abandoned charges, or of undue influence, the charge adhered to, extending to such a body of persons in the borough, that, quite apart from any influence of either the Members or their agents, there was no freedom of election here.

Now with regard to that last charge, it is unnecessary to consider the technical reasons which were advanced for holding that no judgment could be founded upon it, because, although at one time in the course of the inquiry, in consequence of the answers given by a witness, I think, called Ramsbottom, and the witness who immediately followed him, there did seem to be some grounds for supposing that there was general ill-will amongst the voters of Blackburn, at least that numerous body of the voters consisting of the working classes, and that they were generally disposed to ill-use and persecute one another because of their political opinions, yet it is quite obvious, from the general tenor of the evidence, that Ramsbottom's judgment, which one ought to say, however, was rather extracted from him by sudden questions than given as the result of his deliberate conviction, was an unjust judgment, so far as it applies to the general body of his fellow-workmen in Blackburn. It is quite obvious, therefore, as the result of the inquiry, that there was no bribery of which the court can take notice, no treating of which the court can take notice, and if there were any of either, of course it would have been brought forward; and that with respect to any general ill-feeling amongst the working classes in Blackburn, such ill-feeling only existed in the imagination of one or two men who had been ill-treated unquestionably, I think both those men were ill-treated, but who, having been ill-treated by individuals, extended their just judgment of the conduct of those individuals to an unjust judgment upon the class to which they belong in this borough. Having put those questions, and having elicited those answers, I feel bound to say that those answers were exaggerated, and I am satisfied that there was no such general ill-feeling in the place; indeed, if there were, it is impossible that one could have witnessed so

Blackburn.

much good and orderly conduct, as one has done during one's stay in Blackburn, of the very great masses of people who have been assembled, taking an interest, apparently, in this inquiry, and who have conducted themselves in the most peaceable and orderly manner.

Well, the inquiry, therefore, is limited to the charge contained in the fifth clause of the petition, and that charge is, in effect, this, that the sitting members, by themselves, or by some agent or agents of theirs, have practised undue influence with reference to the Parliamentary election; and that again is limited to acts of an agent or agents, because Mr. Hornby and Mr. Fielden having been called as witnesses, have denied it, and everybody appeared to be satisfied with their denial, and I myself am thoroughly convinced of its truth; indeed, there was no evidence against them personally to make it necessary that they should come forward if they had been unwilling to do so, but they did come forward, and everybody appears to be satisfied (and I am of the universal opinion upon that subject) that no misconduct can be attributed to either of those gentlemen. They must stand entirely acquitted personally of any misconduct or irregularity in the course of the election. The only suggestion made upon the evidence against either of them was the suggestion founded upon the evidence of the witness Carroll, who stated that some persons had told him that it would be the worse for his daughters, who were working in Mr. Hornby's mill, unless he took a certain political line against his principles, which line he did not choose to take; and then it was said that his daughters were interfered with, and that, finally, on the third of this month they were sent away from Mr. Hornby's mill. Carroll stated that it was the act of individuals who had nothing to do with Mr. Hornby, and evidently were acting without his authority; and to conclude that those girls were sent away from the mill on the third of this month, so long after the election, and just before this petition was coming on, upon the ground of the politics of their father, would be a conclusion absurdly reprehensible and far-fetched, to an extent beyond anything which I think the most suspicious mind can entertain now that the evidence has been given and the amount of it ascertained. There is not the slightest ground with respect to either of those gentlemen for saying that he personally was guilty of or sanctioned undue influence in the course of the election.

Well, then, was any agent of theirs guilty of undue influence with respect to any voter as touching his vote at the Parliamentary election? That is the true question which the court has to determine, and upon that there is a mass of evidence requiring the most serious consideration, and upon which it becomes my duty to pronounce.

Goodwin's Case,
2 State Trials, 91.

Nothing can be clearer than this law; it has existed for a very considerable period; I believe certainly from as early as the time when James I. came to the throne. Some 265 years ago, the general principle was laid down upon the first and only occasion upon which the jurisdiction of the House of Commons over Parliamentary elections was seriously questioned, and upon which occasion it was confirmed, and it is enacted and settled as the law, by the Corrupt Practices Prevention Act of 1854, section 36, which, to my mind, does no more than lay down in very distinct terms that which always had been the understood law of Parliament, or rather the common law of the land, with respect to the election of Members of Parliament; that is to say, that no matter how well the Member may have conducted himself in the election, no matter how clear his character may be from any imputation of corrupt practice in the matter, yet if an authorised agent of his, a person who has been set in motion by him to conduct the election or canvass voters on his behalf, is, in the course of his agency, guilty of corrupt practices, an election obtained under such circumstances cannot be maintained. As it has been expressed from early time, no person can win and a wear prize upon whose behalf the contest has not been fairly carried on, or, as it was expressed upon the occasion to which I refer, *non coronabitur qui non legitime certaverit*,* which is only so much in Latin, showing the antiquity of the principle which I have already expressed in English; no person is to have or wear the prize on whose behalf the contest has not been legitimately and fairly carried on; and whether it be that the person who contends himself in respect of any unfair play of his, whether it be the owner of a horse in respect of the unfair play of his jockey, whether it be the owner of a ship in respect of the fault of his steersman or the hoisting of an additional sail against the rules of the race by one of the seamen, or whether it be the candidate in a Parliamentary contest in respect of his agent, in every one of those cases, whether it be the principal who has been guilty of the illegality, or whether the illegality has been committed by his agent only, even though without his authority or against his will, provided it be done in the course of his agency, and for the supposed benefit of his principal, such principal must bear the brunt, and cannot hold the benefit in respect of which the agent has compromised him, and would, in a matter of this description, have also betrayed the public, who have a right that a just election shall be had. The amount of the injury done by the agent, if the injury has been done of the character which I have described, is immaterial. If an agent bribe one voter with half-a-crown, and that voter votes for the candidate, election void. If an agent bribe one voter with half-a-crown and the voter taking the half-a-crown, with purpose express or implied of voting accordingly, should break his promise and vote for the other side, election still void. Although the result of the bribe was nothing as to the poll, the result was, in point of law, that an illegality

* Mr. A. E. Hardy, of the Inner Temple, has drawn my attention to the fact that this maxim is adapted from the Vulgate, 2 Tim. ii. 5, "Num et qui certat in agone non coronatur nisi legitime certaverit."

illegality of so gross a character and so difficult to trace would have been committed, that no election would be safe, no community would be sure but that elections were gained by the exercise of corrupt influences, unless, for the sake of all, the election in which an agent had been guilty of such a mal-practice were held void as against the principal of that agent. It is not by way of punishment to the principal that the election is held void; it is not because the majority has been swayed or even affected by the mal-practice, that the election is held void, but it is because mal-practices, designated as corrupt by the common law and by the Legislature in the Corrupt Practices Act, are so odious and are so dangerous that it is thought better to hold void an election where either such practices have generally prevailed, whether traceable to a Member or his agents or not, or where a single instance of such corrupt practice has been distinctly traced to the Member or to an agent of the Member.

The question for consideration here, therefore, is whether, upon the evidence brought before the court, it has been proved that such corrupt practices have taken place. It must steadily be borne in mind what is the question; whether any voters or any voter at the Parliamentary election has, in respect of his vote, been unduly influenced by an agent of the sitting Member? If so, the court has no alternative, whatever regret may be felt in the individual case and with reference to the particular constituency that so grave a result should follow from acts which to some, not to me, may appear to be trifling; the only duty of the court, if that can be made out in the affirmative, is to pronounce the election to be void. If that has not been made out in the affirmative, the duty of the court is to pronounce the election to be valid.

Well, now, to come a little nearer to the precise question in this case. It must be made out affirmatively upon the part of the petitioners, for the purpose of founding a judgment to void the election, that there was undue influence, and the particular sort of undue influence here alleged is the intimidation of persons in employment. It must be made out, (1,) that that undue influence was used; (2,) that it was with reference to the Parliamentary election; and it must be made out, (3,) that it was undue influence exercised by an agent of the sitting Members. With respect to the first head, it does not appear to me to admit of much remark. Ingenious criticism may be applied to the language of the 5th section of the Corrupt Practices Prevention Act as to what is practising intimidation, and what is inducing to vote or not to vote; and I can conceive cases exceedingly difficult to deal with arising under that section. I can conceive of cases in which fellow-servants ill-treat one another, and even expel one another from the common place of employment, and they unquestionably are guilty of the offence against which the undue influence clause of the Corrupt Practices Prevention Act is specially directed. I can conceive of their being guilty of that offence in the worst form in which it appeared at one at least of the mills to which reference has been made in the course of the evidence, that of persons ill-using one another, shoving, pushing, and throwing mud, resorting to violence and acts of ignominy, which it is quite sad to think should have been committed by one working man against another. And I can conceive the case of a master who, though he must know that the law authorises him to interfere for the protection of his servants, to prevent acts of violence and breaches of the peace against them, especially when they are engaged in his lawful employment and endeavouring to serve him, being so wrapped up in his own business or so dead to the indignation which ought to arouse a man's mind at seeing others ill-treated, as to stand by and fold his hands and let matters take their course; and I can conceive that in an indictment against the master, under such circumstances, it might yet be impossible to procure a verdict visiting criminal consequences upon his head. I put the case quite abstractedly; in such a case I should not much pity the master if the jury said he must have known that if he interfered he could have prevented the men from doing what they did; if he felt he was too weak to interfere, at least he ought to have remonstrated and retired; and if he did not approve, one would expect that he would have visited upon the men, if not dismissal, at least reproaches or rebukes for the misconduct of which they had been guilty in his presence; and as he did not, we arrive at the conclusion that he must have been abetting, or, as a great personage who in his youth was present at a great crime, himself afterwards described it in his repentance, "consenting" to what was done. And if a jury under such circumstances did convict the employer, I do not think that anybody could blame them. At the same time, if the jury gave him the benefit of the doubt, and thought that his abstaining from interfering was from weakness or pusillanimity, or even looking rather to his pecuniary interests than to his moral duty, in the protection of those over whom he had influence, and whom he ought to have restrained on the one hand, and protected on the other, nobody could blame them if they gave him the benefit of the doubt, and acquitted him. I can conceive in such cases very great difficulty in fixing the master. I cannot, however, doubt that if such a practice as that were general, that if in many mills there were outbursts of that description, and that the masters or those in authority in each stood by and did not interfere at the time or afterwards in the manner which I have referred to—I can conceive a very strong inference arising that the masters in those mills were supine or indifferent at least to what was done; and I think it would be very difficult to avoid the conclusion that those who were subordinate to the masters in the mills, in the position of overlookers, for instance, who were only just a degree raised above the men, although they have influence over them from the power of dismissing them—I can conceive a very strong inference raised that the men would not have acted as they did; that the workmen would not have broken out in these reprehensible passions, and that they would

Blackburn.

have been interfered with more completely and effectually than the men were interfered with in the mills of Blackburn, unless in the first instance the overlookers at least had led them to suppose that such conduct would not be (as, however, when considered, it must have been) very much to the distaste of their better informed masters, or if, in the first instance, the overlookers had exercised the control over the men which they ought to have done.

Apart, however, from that view of the matter, I am obliged to take illustration from the case itself, but I purposely take the illustration from that part of the case, which, after having heard the witnesses for the respondents, I am bound to consider as not only proved on the part of the petitioners, but uncontradicted on the part of the respondents. Having considered the matter in the first view, with reference to an illustration so taken, I must now consider it in another point of view, also with reference to matter which also has been proved on the part of the petitioners, and has not, as appears to my mind, been satisfactorily answered on the part of the respondents; but in respect of which the case of the petitioners has been indeed rather strengthened than removed.

Having thus considered what the effect would be in a trial of this case, upon a charge against one of the employers, or managers, or overlookers, who did not interfere in respect of the misconduct (to use a plain phrase) which took place in some mills upon the 3rd, and in others upon the 4th of November last, with reference to the carrying out and the sending away—I am coming now to that part of the case which raises the more general question, and as it appears to me, with reference to future cases, the more important one, because I must look at the case or cases of violence as exceptional in themselves, and I must look at the carrying out on the 3rd and 4th of November last, as being with reference to this place exceptional—a matter of very great importance as it appears to me, with reference to one of the other heads of inquiry, to which it is necessary to direct attention by-and-bye.

The second view is expressed in this question: is it undue influence, is it intimidation within the "Corrupt Practices Act of 1854," s. 5, to discharge servants who have votes on the eve of a Parliamentary election, upon the ground of their politics differing from their master's. That is the plain question which one has to consider. It is even to my mind a plainer question than the first, because as to the first, I have already stated that in my view there would be very great difficulty in getting a verdict in a criminal case, with reference to the merely standing by, and not effectually interfering at the moment. However morally wrong it may have been, whatever want of presence of mind it may have shown, there might be sufficient element of doubt in such cases to allow of a jury acquitting upon the sacred principle, which I hope never will be departed from, in criminal charges—giving the accused the benefit of any substantial doubt. But with respect to the second point of view in which this case must be regarded, what answer ought to be given to that question? It is one, as it appears to me, of common sense, that if I have a person in my employment, if I am a Tory, for instance, and I have a person in my employment who is a Whig, and I want him to vote for the Tories, and I ask him to do so, either by myself, or by some person in my employment holding a responsible position, and he refuses, and I send him about his business shortly before the Parliamentary election, and give no good reason for doing so, except because he was a Whig and I was a Tory; and when I am called upon to explain my conduct, I suggest other reasons which might have operated upon my mind, which, though not given at the time, might be those upon which I acted, or partly acted; but it is shown that that person has been in my employment some 25 years, three years, two years, and so on, how am I to be judged? I should have thought that the answer would be, you are judged according to your acts; your acts and your words conflict; you give a faint and tardy excuse for what you have done, rather than deny it or disprove it; you, a Tory, have turned away a Whig shortly before a Parliamentary election, and after he has been canvassed and has said that he will stick to his Whig colours. Well, the conclusion, I think, that must be arrived at, would be, that I had turned him away because of his political opinions. In that case the master is a Tory, and the other a Whig; it may be put either way, of persons of opposite politics. I think the answer of common sense must be, that the servant was treated ill, because of his political opinions.

If that be so, the rest of this question is matter of law, but the law and the common sense of the matter seem to run very much together in the questions which arise before these tribunals. If the person turned away was turned away because of his political opinions, and that upon the eve of a general election, was he intimidated? It certainly was made uncomfortable for him to have announced his political opinions. It may be that with respect to the one person so sent away, he is sent, as it was put in the able argument of my brother Ballantine, into the enemy's camp; he is not influenced directly, he is sent away from influence; it is only made worse for him that he has been of a certain political sect. He is sent away, and it might be said that all idea of influence is removed, because he is not only sent away into the enemy's camp, but he is sent away angered by the ill-treatment he has received; he is persecuted, and he is the more likely to crown his martyrdom by voting for the other side. Therefore, it is argued, no harm is done, and no violation of the fifth section of the Corrupt Practices Prevention Act of 1854.

Well, that may be so in an individual case. A good deal, I think, would depend upon the circumstances; a good deal would depend upon whether the injury inflicted upon him was an injury which would make him likely to change his mind in order that he might be received back into the service of the person who had discharged him, or that he might be

taken

Blackburn.

taken notwithstanding that discharge into the service of some other person of the same political opinions as the master who had dismissed him; and dealing with reference to the individual case or even several cases of dismissal from one mill in Blackburn, for instance, it might be material to consider whether there were not a great many other mills of the same colour as that from which the man or men had been discharged, and at which it might be impressed upon their minds by the improper discharge that they were less likely to be received unless they chose to change their political mind, and to give at the election a vote different from that which they had announced their intention of giving; and although with reference to one or more persons who were determined in their political views the effect might be the very contrary of influence, yet with respect to bodies of persons, and in business where there is a large class of employers of the same mode of thinking as the one who was guilty of the wrongful discharge, it may be that a different result would be produced. But the matter is not at all concluded here, because the section says that the undue influence which is reprehended by it shall not be practised, whether directly or indirectly, and it is not because the one man who may be shoved or hooted, or pelted with mud, or dismissed from his employment on account of his political opinions may, if he is a man of independence, be only the more fortified in them, and only be influenced against the persons who ill-treated him, that therefore no influence is exercised upon other persons in the same class; on the contrary, whilst the strong-minded would be influenced against the intimidation, the weak-minded and the waverers, whether in the same employment or in others, under like circumstances, would or might be deterred. That they might be deterred is sufficient. I conceive it to be clear that the "practice of intimidation," mentioned in the fifth section, is a phrase carefully used to avoid the sort of quibble which persons who are not lawyers suppose has arisen in cases of highway robbery, where the indictment used to contain the words, "putting him in fear of his life," and the prosecutor, a brave man, being asked, "On your oath, were you in fear of your life?" replied, "On my oath I was not." In order to prevent the possibility of any quibbles of that kind, the Legislature, in the fifth section, has used language which makes it undue influence to practise intimidation, directly or indirectly, with intent to influence the vote of a single voter. Whether that voter be the person ill-treated, or whether the ill-treatment be violence or damage done by the removal of custom or business, or employment, is immaterial. If it is done with a view to affect votes, or interfere with the free exercise of the franchise, it is within the prohibition of the fifth section.

I think, therefore, that the proper answer to the question, in which I have presented the second view of the first head of this case is, that the wrongful dismissal by an employer of a voter or voters from his employment shortly before a general election, upon the ground of his political opinions, is evidence of intimidation within the fifth section, upon which the court is bound to act, if it believes that evidence.

It is hardly necessary in the discussion of a legal point to refer to facts in evidence, and especially it is hardly necessary to refer to facts which are only illustrations of common truths, namely, such as that persons may be intimidated by such conduct directly by dismissal, or the fear of dismissal of themselves; and indirectly by the dismissal or the ill-treatment of others upon the ground of their political opinions; but perhaps it is right to refer to the illustrations which a common truth has received here from Anderton's case, who announced, and apparently quite truthfully, that—I will not say from direct intimidation, because he was one of the men in the Wensleyfold Mill, where I think, intimidation was not established to an extent to make a case under the fifth section—I am satisfied with Riley's explanation; but it is an illustration of the effect which may be produced even by such conversations falling short of intimidation, as Riley had with the overlookers of that mill; and in which reference was made to the fact of its being worse for overlookers than for weavers, if this system of "carrying out" practised elsewhere was resorted to. Anderton appears to have been so acted upon by his fears, that, notwithstanding he was a Liberal, according to his own account, and had not voted at all at the municipal election; I think he had no vote at the Municipal election; he voted as a Conservative at the Parliamentary election; he stated that his vote was affected and influenced by his fears of being turned out, in consequence, not of what Riley had said, but of the rumours in the town; showing that whatever had taken place at the municipal election, had gone on echoing through the town afterwards to such an extent that at least one man, Anderton, was influenced, and voted against his principles at the Parliamentary election.

That is one instance to show the effect of such proceedings. There was another; I think his name was Robert Hindle. Now Robert Hindle was in Greenwood's Mill, and Greenwood's Mill is the mill from which Langtree did turn out more than one man of the Whigs without any satisfactory explanation, except the fact that they were of Liberal politics. There, I say, several were turned out. I need not refer to them more particularly at this time, but one man remained at the mill. That was Hindle, the overlooker.

Now Hindle is a remarkable illustration of the effect of influence of this description, because Hindle voted at the municipal election upon the Liberal side. He voted as a Liberal at the municipal election. When the Parliamentary election came, he had before him the example of several men, Fish, Cattrell, Daxbury, and also of Daxbury's wife, having been sent away and some others, making up, I think, Mr. Greenwood said, six or seven in all, who left upon the occasion of the municipal election. Hindle was not sent away, he remained at the mill, and having voted as a Liberal at the municipal election, he was canvassed by Mr. Greenwood for his vote as a Conservative at the Parliamentary

Blackburn.

election. His answer was that he did not like to vote, and he would not vote, upon which he says, Mr. Greenwood smiled. He said that Mr. Greenwood had been cross with him in respect of his vote at the municipal election, but he said that that was partly owing to his having had some drink, and therefore I pay no great attention to that; but as a fact, he stated that Mr. Greenwood had been cross with him in respect of the municipal election. He said that when canvassed for the Parliamentary election after the others were turned out, that Mr. Greenwood expressed satisfaction by smiling, and he did not vote at the Parliamentary election at all. He had gone away on the Monday morning, the day of the nomination, and did not return until the Tuesday night. Therefore here is a second instance of a man who appears, one would say, most probably (so probably, that it is my belief that it was so), to have been influenced by what had taken place in respect of the treatment of other men.

I think there is one more. It is not easy to trace these cases of influence. There is a certain pride, as was instanced in the case of one of the witnesses, which prevents most men from admitting, as Anderton did, that they really were influenced; and it is very hard to find out, if you find a corrupt influence existing in a constituency, it is exceedingly hard to trace out the persons who could exactly prove to what extent that corrupt influence has gone. This is one of the reasons given why a single proved case of corrupt influence, brought home to an agent, ought to be held to avoid the election. But these two instances having been given, I will refer to a third and a fourth. Those other instances occurred at Hutchinson's mill, in the case of a person of the name of Lever, who had a municipal vote, and voted on the Liberal side, and he had a Parliamentary vote, and he voted on the Conservative side. He goes out for his Liberal vote in the movement after the municipal election; he is sent for and comes back, and then votes to the contrary at the Parliamentary election. Lever would not admit that he had been influenced. That must be left to inference. I do not go into the examination. I think the result is that he would not allow, he rather denied, that he had been influenced; but there is the fact, unquestionably, of his having voted in a different way at the Parliamentary election.

Well, then, there is the case of Matthew Johnson, at the same mill, who had a municipal and a Parliamentary vote; and Matthew Johnson's is rather a remarkable case. He I think was a cloth looker. He had been canvassed. He had, as he states, received a strong intimation before the municipal election, as to the desire that his vote should be given against his principles, and upon the Conservative side. He had resisted that at the municipal election, but he so far yielded as not to vote at all, and he did not vote at the Parliamentary election. That is the man for whom the high character was prepared at Mr. Hutchinson's mill, stating that he had been a very long time in the employment; I think 30 years. That character was prepared, it was not given to him, it was kept till after the Parliamentary election, and he did not vote at the Parliamentary election, although he was a Liberal, according to his own account, in principles. But I think that there was a special reason, in consequence of his religious belief, for his voting Liberal upon the particular occasion. One always dislikes going into any inquiry of that description, but it was relevant to ask him the question, and he was asked the question upon this occasion. Well, he also appears to have gone away, and not to have voted.

Now, whether I look upon this as a question of common sense, or a question of law, or as a matter of inference from the evidence, which has been produced, I am obliged to come to the conclusion that expelling or wrongfully discharging voters shortly before a Parliamentary election, in consequence of their politics being different from those of their employers, does at least, under the circumstances of this case, amount to undue influence, both direct and indirect, within the fifth section of "The Corrupt Practices Prevention Act of 1854."

The next question to consider is, whether the persons were expelled or turned away upon the occasion to which so much attention has necessarily been directed in the course of the case with reference to their political opinions; in fact, whether any person was turned away with reference to his political opinions.

Now that must be taken partly as a matter of law, and partly as a matter of fact, but the only question of law that arises I think, is this; where the employer had a mixed motive; where he had a reason for getting rid of the person apart from his politics; was he bound, in point of law, to abstain from getting rid of him merely because of the general election coming on.

Well, I think I should answer that in point of law, as an abstract question, by saying, that he was not bound to abstain. I think that the employer would have been well-advised, I think that any sensible man or sound lawyer advising him, would say, you may do so, but take care how you do so, because unless you prove very clearly to the satisfaction of the court or the jury that you have a clear ground for discharging your servant, apart from his politics, it is inevitable that your discharge of him may be imputed to your dislike of his politics, and not to a dislike of his person. And in this case, although there were suggestions against a number of the witnesses who were called upon the part of the Petitioners—against several of them would be a more correct expression—grounds which it was stated would be sufficient, and would justify the discharge quite apart from politics; yet when you come to see that the persons turned away against whom those grounds had been suggested, were turned away in company with others against whom no such grounds were laid, that they had remained in the employment for a series of years, and in some instances for a considerable time after the alleged misconduct justifying dismissal, apart from

from politics, took place, without being interfered with, and that it was only upon a political difference arising that the discharge took place, I think one must come to the conclusion that the abstract question of law does not arise, that it is excluded by the facts, and that the discharge or expulsion which did take place was due not to the personal qualities of the individual, but was due to the colour which he had thought proper to adopt.

Then the remaining question is one entirely of fact under this head of the case, namely, whether the dismissal and expulsion had reference to the Parliamentary election.

I have already sufficiently stated my opinion as to the proper conclusion of law, and fact to be drawn, that if it had reference to politics, it had reference to the Parliamentary election; and therefore it was that my learned brother Ballantine urged upon the court that which was the strongest point to be presented on the part of the respondents; that what was done, was done with a view to the municipal election; that it began and ended (I have a difficulty to adopt that word with reference to the voting) at the municipal election; that personal interests interfered which did not affect the Parliamentary election, and that in point of fact all that was done in the way of wrong (because, of course, he is too good a lawyer for a moment to contend that wrong was not committed), that what was done in the way of wrong had to do with the municipal election only, and had no bearing or effect upon the Parliamentary contest.

Now, that is a question of fact, and if it were made out upon this evidence that the municipal contest was merely personal and not political; if, for instance, the municipal contest had taken place three months before, as it was put, and the question was, whether some Act of Parliament should be adopted for the government of the borough, or whether some rate should be imposed as to which both Tories and Liberals were divided, it had been really a local question, or if it had been a question even only of whether some quiet people who were very much liked and admired, and thought well of as men of sense and benevolence should be elected, or whether some stirring politicians, having nothing else to recommend them, were to be put in the place of town councillor or other municipal office, I should have thought that would have divided the municipal election from the Parliamentary, and that no notice ought to be taken in reference to the Parliamentary election, of what was done with respect to the municipal election; and I should say the same if such a municipal election had taken place three days before, instead of a fortnight before the Parliamentary election. The question seems to be one of fact, whether what I have just been putting is the real state of the case, or whether the municipal election and the Parliamentary election in this case were not in the minds of the candidates, and in the minds of the voters, substantially one and the same political contest in which the same means were to be resorted to, the same colours to be displayed universally or generally; a contest, in effect, between Tories and Whigs, and not a contest between A and Z.

I pass that by for the moment, but only for the moment, because it must be discussed, and discussed with attention, in order to put the third question, which is quite a distinct question, and one the affirmative of which it is quite as necessary to establish on the part of the petitioners, and which also is partly a question of law, and partly a question of fact. That is the question, whether assuming it to be made out that what was done had reference to the Parliamentary election, and ought to be imputed to an intention to deal with the people according to their politics, and not merely according to their views as to municipal government, was the interference, assuming it to be illegal, and assuming it to be political, an interference by the agent or agents of the sitting Members?

Upon that I may remark, that any person is an agent, or agents, of the sitting Members for this purpose, if he has authority from the sitting Member to conduct the election, or to canvass voters on his behalf. That has been laid down so often, and is, to my mind, so distinctly recognised by the Legislature, as well as propounded by the judges, I mean recognised in the Act by which this tribunal was constituted, that I think it unnecessary again to explain the reasons by which that conclusion was arrived at. The conclusion is that the agent to conduct the election, or to canvass voters, of the Members is an agent under "The Corrupt Practices Prevention Act," with reference to what he does in the course of the canvass; if it be legal he is agent directly authorised, and if it be illegal, and in the course of the canvass for the intended benefit of the candidate, the Member is answerable for the illegal conduct, and must stand by the consequences, not criminally, but, for the reasons already mentioned, to the forfeiture of his seat.

That being so, who was or were, in point of fact, the agents at this election? What were the acts done by any agent at this election, in respect of which judgment ought to be pronounced, either in the affirmative or in the negative? It is in respect of these two questions only that it remains to say anything; and, in order to pronounce my opinion upon them, I must go back a little into the history of the election. I shall abstain altogether from making any remark that may even bear the appearance of a controversial character; but I must refer to the acts of the candidates and their agents, for the purpose of properly determining those relevant questions upon which the judgment is to be founded. The first of those acts with which I have to deal (I need go no earlier into the matter) took place in October. At the time, and long before, it was well known that the Parliamentary election was to come on in the course of last year. There was, it is notorious, it is part of history, great political excitement, and strong opinions were entertained upon one side and upon the other, and especially in this county, and particularly in this borough, with reference to the questions that were about to come before the next Parliament. In

Blackburn

the month of October there was anticipated the usual municipal election, which was to take place in the early part of November, and by that time, I think, it had become known when Parliament was to be dissolved. I think Parliament was dissolved on the 11th November. I speak from recollection, it is an historical fact, and I am bound to take notice of it without any special evidence being given upon the subject.

It was anticipated that the dissolution would take place, and that there would be a general election, which, in the ordinary course of events, must shortly follow the municipal election. There can be no doubt, whatever may be the case, or whatever ought to be the case, with reference to the municipal election, whether, as in some places, men may be elected at the municipal election because they are the best men for the town and most liked by their fellow-townsmen, or whether, as in others, there is a sort of give-and-take—a sort of compromise, by which a certain number of one way of thinking, and a certain number of another, are elected—whether that system ever has been resorted to in this borough, or not, is a matter upon which I do not inquire, nor into which I ought to inquire, because it is certain that that was not the system intended to be resorted to with reference to the last municipal election here, with reference to the election of the 2nd November.

The contest, considered by itself, proves to have been a political party contest, although personal influences had something, perhaps, but not a great deal, to do with the matter. I cannot help thinking, upon the evidence, it ought to be concluded that Whig and Tory had a great deal more to do. Those colours appear to have been adopted with reference to the municipal election, as well as with reference to the Parliamentary election; and if the character of the election was to be judged of by the proceedings which took place at it, and by the result—eight Tories to four Whigs—looking very like a parallel to the Parliamentary election, whether that was taken or whether the evidence given on the part of the petitioner and of the respondents, because the evidence of the respondents confirms the evidence of the petitioners in that respect, it is impossible to come to any other conclusion than that the municipal election, like the Parliamentary, was, for the greater part, a party political, and not merely a local or personal contest. With that in mind, reflecting light upon what was done in October, let me refer to the circulars which were issued by the Tory party at this time. The fact of circulars being issued by persons of the same way of thinking as the sitting Members, would by itself operate nothing. No one can bind another, simply because he is of the same politics with him; but this circular of the 12th October, issued at the time, was unquestionably adopted afterwards by Messrs. Hornby and Fielden, the sitting Members; and the association which issued that circular was adopted by them in place of a committee for the management of their election. This circular of the 12th October must be taken as being the act of Messrs. Hornby and Fielden, just as much as if each of them had written a letter to this effect to every “manager, overlooker, and tradesman, and any other person having influence,” in the town of Blackburn. It is a power of attorney, to the extent to which it goes, to every individual in any of those classes, to do that which the circular requests him to do; and that circular does combine the municipal election and the Parliamentary in a remarkable degree, because the object stated is “to secure, in the municipal elections, as well as in the Parliamentary, the success of the candidates who adhere to the Constitution in Church and State,” and so on. The object is to have a political contest, of which the municipal election was to be the preliminary, a sort of skirmish before the great battle of the Parliamentary election. It goes on, “Believing that you know and appreciate the blessings, temporal and religious, secured to this country by the Constitution, which is at the present time so violently threatened by unscrupulous politicians, we venture to urge upon you most strongly the necessity of vigorous personal effort to secure the return, as town councillors, of gentlemen who hold, with respect to national politics, Constitutional principles, and the return to Parliament of our two known and tried representatives, Messrs. W. H. Hornby and Joseph Fielden.”

Now it is, I must say, quite obvious from the terms of that circular, taken with the fact that the two elections form part of one and the same political contest, that they cannot be held by anybody with his eyes open, and bound to declare the truth as he sees it, they cannot justly be declared to be different. There may be a distinction in some respects, and there were distinctions in some respects. I have traced them as well as I could through the evidence, but they are faint distinctions, and do not amount to such a difference as was insisted on upon the part of the respondents.

Taking the character of the transaction itself, and taking the first announcement of these contests, one must come to the conclusion that they were parts of the same system and plan of action.

I have gone through the evidence for the petitioners, with a view to see whether any distinction could be made between the one and the other. I cannot find a single piece of evidence from beginning to end of the petitioner's case, showing that a substantial distinction was made between the municipal and the Parliamentary election. The distinction was made between the people of Conservative or Constitutional opinions, and persons who were designated as a term of reproach by the name of Radicals. We have, “We will have no Radicals here; go to a Radical shop.” In some instances there was, “How could you make such a disturbance, after voting as you did?” That was voting against the master, but still, without reference to the personal interests, as distinguished from the politics of the individual. Throughout the petitioner's case, I find it all put upon political differences, and I find political canvassing spoken to beginning at the

Wensleyfold

Wensleyfold Mill, I have already stated that there is no case in my mind against Riley, beginning with Langtree, taking Mr. Greenwood, who was the employer at that mill, and coming down, I find from time to time a reference to politics as being the governing motive that should actuate the votes at both elections.

Blackburn.

Turning to the evidence on the part of the respondents, which I have also gone through with a view to see whether there had escaped me yesterday any piece of evidence which ought to alter my opinion in this respect, I find that the impression which I received from the evidence when it was given, is strengthened, not removed, by examining the statements, as appearing in the notes. The witnesses for the respondents did not, as it appears to me set up,—if it was intended to set up, certainly it was not successfully attempted—any substantial difference between the municipal and the Parliamentary elections; and in order to show that that is so, I need only refer, amongst others, to the evidence given by Mr. Greenwood, and take that as a sample of the whole. When he comes to canvass for the municipal election, what did they say?—“They said they would vote for the Liberals.” “Did you upon that say anything to them in the way of threat, or otherwise?”—“No, I asked them if they would not split their votes between the two parties, and give one to the Conservative and the other to the Liberal, and they said they would not.” That is speaking with reference to the municipal election. It therefore does; I will not say creep out at every part of the evidence, for I do not think there was any attempt made by the respondent's witnesses to conceal it, though naturally at the Bar it was made the subject of argument and comment, and the burthen was properly put upon the Court to investigate the matter thoroughly, and to say whether there was sufficient evidence for arriving at the conclusion that the municipal election must be treated as part of the same political contest as the Parliamentary election. There was no attempt on the part of the witnesses for the respondents, if there was, I failed to observe that it was successful to conceal that fact. I think both affirmatively and negatively it is quite obvious that from beginning to end, from the morning of Monday, the 2nd November, to the night of Tuesday the 17th November, upon which day I think the polling took place, there was a state of political excitement, beginning with the municipal election, and ending with the Parliamentary, in which the object of those who contested upon the one hand and upon the other, was one and the same, namely, to get in their respective candidates at both elections, on political grounds.

The only remaining question, therefore, is whether the acts which, according to the principle laid down, would amount to undue influence, are acts which are traceable to the agent or agents of Messrs. Hornby and Fielden.

This again divides itself into two heads, first with reference to the agents, and secondly with reference to the acts, and upon both I must refer back to the circular of the 12th October. That must be looked to, I think, as the fountain of authority and agency, such as existed in the election. Of course it would be prodigious to say that it at once made every overlooker in the place an agent of the Tory candidates. That would be quite out of the question, because if it were so it would follow, in strictness of law, that they would be equally answerable for the acts of the overlookers of the opposite way of thinking, or that they would be liable to be unseated for acts done in bad faith by some person who pretended to be an agent of theirs, for the purpose of betraying them by doing acts which might eventually invalidate the election. These exceptions, however, being out of the case, there is no suggestion of any such persons having been agents, nor was the act of any such person relied upon. Such persons being out of the case, it appears to me that the effect of this circular was to make an agent of every person having authority, down to the last grade, that of overlookers over the hands, and to request, and therefore authorise each such to influence the hands who were under him, for the purpose of inducing them to vote for the candidates upon whose behalf this document was issued, and any overlooker, and consequently anybody in that, or any higher grade, who *bonâ fide* took up the Tory side and who acted upon this circular, and did canvass for the sitting Members, became their agent, and his acts did bind them to the extent, and under the circumstances which I have already explained, in speaking of the first question.

Many remarks have been made upon this circular. I think that the circular has been, in some respects, unjustly criticised on the one hand. On the other hand, it is not a circular which, so far as I ought judicially to pronounce an opinion upon it, I can approve as a wise or politic one.

Reference has been made to that previous circular of the opposite party, by which certain persons were called upon to join the committee, and to use their interest on the part of the other side. I pass that by saying that I think it was different in its terms from this: that it did not refer to persons who were not to be on the committee, and it did not designate any other persons, or the servants of any other persons, as being the proper canvassers or agents to bind the Members. But, assuming that it did; assuming that one side issued an impolitic or illegal circular, or did an illegal act, I must pass away from the subject by saying that no amount of illegality upon the one side could justify a hair's breadth departure from the law upon the other. Wrong does not excuse wrong. If both parties have been misconducting themselves at the election, the Members of neither party can remain in upon petition, and neither can excuse himself because a similar wrong, or worse wrong, was committed on the part of the opponents. The way to deal with people who do wrong is to bring them before the proper courts, and to complain of them there, and to get punishment, if punishment is to follow, meted out by an impartial tribunal; but any other doctrine would lead to retaliation and vengeance probably much worse than

Blackburn.

the reprehensible conduct which took place at certain mills upon the 3rd and 4th November. Whatever wrong the Whigs did or may have done—I do not say that they did any—it is not the subject of inquiry here,—that would not excuse any wrong on the part of the Tories. I have said that I think this was an unwise and impolitic circular. I say no more, because I think no more ill of it. It is idle to say that the intention of this circular was to call upon employers, for instance, to use unfair means with the hands in their employment. I think it was not intended that the employers should turn off hands, far less was it intended that the lamentable events should take place amongst the working people which did actually take place. But what appears to be unwise and impolitic in the circular is this. I will take one part which I think specially objectionable, at least in a prudential point of view. “It was decided;” who decided it in the first instance is not known, it seems to have been thought a point of honour to keep to this circular afterwards, notwithstanding the objections to it, I pass no remark upon that; I am far from going out of my way to praise or blame it as a piece of chivalry, though I think it unwise. Two gentlemen were called whose names were put to the circular, namely, Mr. Thompson and Mr. Hutchinson; and each of those gentlemen repudiates its authorship. I do not think that the actual authorship can be known by reading the evidence; but, whoever was the author, he says: “It was decided that all millowners,” that may be all very well, I can quite understand a master having, from his personal character, from his benevolence, from his worth in many respects, very strong influence, and of a very legitimate character, over the men working under him; they may think him a wiser man than themselves, and they may think that he knows more, or they may have no particular wish of their own, and know that he would not intentionally do any wrong. There are a variety of ways in which it may be put; but a man may have a fair legitimate influence over those with whom he comes in contact, and it is not because that influence happens to be very powerful because he is their master, that therefore he is to abstain from using it altogether. If one comes to think over the matter for one’s self, especially with the experience of the circumstances, and the temptations presented, and the consequences which may follow from masters interfering with servants, one may say, “Well, I have determined I will never have hand or part in any transaction like influencing people in my employ”; but if I were to say so, it would be a profession of virtue quite superfluous; and it would be wisdom after the event, because it would be only an impression produced upon my mind by the result of what I have seen done by others elsewhere. These are the ill-consequences which have followed from masters overstepping the fair bounds of legitimate influence, and using what really amounts to menace or compulsion. I will say nothing about the millowners, the persons who are the real masters; but when it comes down to managers and overlookers, let any man of common sense just think what he is doing if he issues a manifesto of that description. What is an overlooker? He is removed only one grade above a workman. He receives rather higher wages than the other workmen in the employ; they owe him no allegiance. The relation of master and servant is such that the law does recognise a sort of allegiance, not only of the servant to the master, but of the master to the servant; and they may take one another’s part under circumstances, and to an extent which is not allowed to strangers. Fellow servants do not come within that rule, except so far as good-will may result between man and man, from the fact of their having been familiar with one another in the same employment. But the overlooker, whose wages the men do not earn, to whom they owe no duty at all except to obey his lawful directions, given in the name of the master, to be diligent and to look after the work they are about; the notion of his having any influence over them which he ought to exercise, beyond keeping them to their proper work for their proper wages, I cannot conceive. I cannot conceive it is right that an overlooker should be clothed with the additional importance of being told that he is a fit person to exercise influence over these persons for political purposes, whom he is simply to direct in their employ, who discharges his duty by directing them, and is authorised to dismiss them for misconduct. I think it most unwise. I must speak my mind upon the subject, whether I offend or not, and I am bound to pronounce my belief upon all relevant matters. I think it most unwise and most impolitic to put into the head of a person in the condition of an overlooker or manager either the notion that he is to exercise political influence over the men under his charge. I take leave to doubt whether that will ever be resorted to on deliberation. I am perfectly certain that Mr. Thomson would not have done it if he had had the framing of this circular, and had thought of it. I do not believe that there was any after-thought in the minds of those who framed the circular. I believe that they never anticipated the ill-consequences to result from it; that they were very strong in their own political views, and were very desirous to have as much canvassing on their behalf as they possibly could, because the candidates did not canvass for themselves. I certainly think that they have overleaped the reasonable bounds of influence when they call upon managers, overlookers, or other such person to influence the voters. The inevitable result is to set up an overlooker with a notion of his importance which he ought not to entertain, and of his having influence in a department which is not properly within his functions as overlooker; and I cannot help thinking that, with respect to a considerable part of what took place at the mills, although it would be ungenerous and unjust to allege that this circular directly set those proceedings of the 3rd and 4th November in motion, or that it was intended to do so, yet I think it would be untruthful not to say, because I believe it, that those move-
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ments would not have taken place if the overlookers had not been induced to step out of their proper duty to press upon the workmen political matters, instead of minding the business of the mill.

I have said all that I have to say upon that circular. I was going to cite an old saying as to what persons are likely to do when they are put in situations above their capacity or their merits, but I will not do so, lest it should be thought that I made any personal reflection. I will say, that anybody who is set up above his proper station, especially upon an exceptional occasion, and one of political excitement, is very likely to surpass the bounds of prudence and the bounds of law.

Now, I think there is one other remark to be made as connected with that matter. I do not go through the details of what took place upon the 3rd and 4th of November beyond saying—and I must repeat the same word, as it is the word properly applied, and if it appears to be the burthen of my judgment, let it be—that the misconduct of the 3rd and 4th of November was, in my mind, very considerable indeed. It was misconduct partly, according to the evidence, as I shall presently observe, of persons in the situations referred to in the circular of the 12th of October; it was misconduct to a far greater extent directly and immediately of the workmen. At one mill at least it amounted to gross ill-treatment of their fellow workmen, who were expelled; in several it amounted to actual personal violence; in many, not in all, because I do not involve all these mills in the same blame, I have already stated that I do not blame Mr. Hornby, as I think Mr. Riley absolved himself at the Wensleyfold mill, but at many of the mills it amounted to a system, the effect of which was that the place was made too hot to hold great numbers of people who were engaged in lawful work there, and the result was that for some days—I will say three or four days—I will adopt Mr. Thomson's statement, although I think his figures were certainly smaller than I should have arrived at on the evidence, I will take them at the amount he mentioned—I will say three or four days, or it may be more days; say the Thursday, if you will. I think he said that in three or four days matters were smoothed down; that the employers were disgusted either immediately, or upon reflection, although they did not interfere at the time, as I think some of them ought to have done more vigorously with what had taken place, and the body of the people who had been forced to leave were back at the mills. Mr. Thomson excepted a score or so, but he did not put it at any very precise figure, and I cannot help thinking from the evidence a greater number than he mentioned was the result; but a considerable number, at least, after all was said and done, did remain away, and were out of their employment.

Not one single man of all those who used violence upon that occasion has had a hair of his head touched; not one single man, even those who used gross violence upon the 3rd and 4th of November, has been punished. Some of them were proceeded against before the magistrates, and I could not at first understand why the magistrates had not inflicted—I was going to say, summary justice; one ought to be justly angry with what is wrong; one ought to deal with wrongdoers as they deserve. I was afraid at first that the magistrates had made a compromise of a serious matter, when those people appear to have been let go; but it turned out that they were summoned, not under the Corrupt Practices Act, under which they might have been indicted; nor for assaults, which would have been, so to speak, the more natural way of dealing with it, as a matter of police, considering that they were most of them people who, I will not say, knew no better, but still who were not so much to blame as those who did know better. It turned out, in point of fact, that no such compromise was made, and as I have inquired about it, I feel bound to state that the course which the magistrates took was a course which they were bound to take in law. I called attention to the proceedings of the magistrates with a view to passing a reflection upon them, if they had done wrong, but I am bound to say that the magistrates did what in law they were bound to do, under the circumstances; they dismissed the charge, as having been brought under the Combination Act, which Act is rather directed against movements of the men, with reference to the interests of their employers and the trade, than with reference to political objects, although of course the two may sometimes be mixed up. The magistrates would have convicted if the men had been brought before them for assault. In passing a judgment as just as I can upon the conduct of the employers, I should have expected that, if the employers, or rather those under them, had not to a considerable extent committed themselves by pressing upon the men strongly to take a political side, they would have brought such gross misconduct at least, as occurred at one mill, under the notice of the law. That was not done, and not a single man was discharged even at that mill for what he had done. I really ought to be almost ashamed of mentioning the case of James Pemberton, but I do not refer seriously to it; that youth of sixteen, who treated the men who had just been engaged at one of these carryings out, to 10 s. worth of drink, whether it came from his own pocket, or his mother's as suggested, I care not—it is perfectly indifferent. If it had been done by a grown-up person, under the same circumstances, it would have been a matter of serious comment, and no comment could be too severe upon such an encouragement to ill-discipline upon the part of the men; but I think it is clear that Pemberton, being a young man, did not much think of the carryings out, but supposed they might be condoned by what afterwards happened, namely, the men coming back to the mill and going to work quietly. Not having as great respect for the laws as it is to be hoped he will when he grows older, not feeling that a principle had been violated, and that there can be no condonation for that, and rather looking to his uncle's return the day

Blackburn.

Blackburn.

before as a ground of rejoicing than considering what had happened to the workmen who were ill-treated, that is an act to which I ought not to attribute any great significance, considering the youth of James Pemberton. I certainly do not myself feel any anger against him, although the circumstance was an unfortunate one, for that really seems to be the only retribution, either in the way of reward or punishment, which followed upon the proceedings; and the reward, such as it was, and wherever it came from, was all on the part of the wrong-doers; and the punishment, such as it was, and the inconvenience, was all on the part of the people who suffered for sticking to their political opinions. That is the only relevance of the fact, and it is rather a general illustration than intended, and certainly I do not intend it, as an observation upon Pemberton. I am perfectly certain that, at his age, I had done a great many more foolish things myself, and people ought to be very careful how they throw any slur upon a youth just coming into life like him; nor do I; and my principal reason for referring to it again is because I did draw attention to it, and more importance might be attached to my having done so than perhaps the matter deserves, so far as he is concerned. I may have wasted too many words upon it, but I rather wished not to leave any sting which could reasonably be removed.

Now, then, what result is to be drawn from all this, because these are the circumstances? Anybody going over the facts of this case would have been struck by these circumstances in it. The other circumstances, as indicating the political character of the movement, I have already referred to and need not repeat. But adhering to the present question, what conclusion ought common sense to draw from these circumstances? I cannot help thinking that it is a conclusion which I indicated with reference to the overlookers. I cannot believe that the workmen, if let alone, would have so acted at a place in which no single suggestion of misconduct has oozed out with reference to any other mill or person (with the exception of what was imputed, without proof or apparent foundation, to Mr. Spencer, Mr. Briggs, and one other gentleman whose name I forget, in the course of statements made by managers and overlookers to the men, for the purpose of inducing them to change their minds, I cannot remember a single instance that oozed out of any misconduct at these particular mills). What is the proper conclusion to draw? It is that the men at these mills would have been equally well-behaved as the men at the other mills; that there was no special mischief in the temperament of the men, and that there must have been some reason other than mere political feeling for acting as they did; and I cannot avoid coming to the conclusion, as a man of common sense, that they must have done so, as they themselves said they did, because they thought that they had authority, or because they were given to understand that they had authority, by some person or persons in a higher position than themselves. And if that notion was spread amongst the men by the acts, words, or conduct of the overlookers, or of a single overlooker, who acted upon the circular, it was enough to account for what they did, and it is enough to trace their conduct to agency which would bind the sitting Members. That is the general conclusion to be arrived at, I think, with reference to what regards the men themselves.

Now, I have gone through this evidence; I pass over a great deal which it is unnecessary to refer to, because I will deal only with the more important facts, either upon one side or the other, with reference to each question. I do not think it would be useful to occupy any further time in going through the cases in which the men ill-used one another. The result may be shortly summed up that they did so; never, that I can ascertain from the evidence, having done so before to this extent, or anything like it, at any municipal election; that it was a matter exceptional and peculiar to the proceedings of November; that it was done by them after having been actively canvassed by their overlookers and others in authority over them; that it was done by the men in several instances stating that they had authority to do it, and that so they would do it; that although in some of the mills they were actively interfered with, in others very faint resistance was made to them at the time, although in all they were brought to order, and matters were set right with the sacrifice of a score or more hands, to take Mr. Thomson's figures again, who remained without employment when it was all over; and that this took place under circumstances in which the men were most unlikely to have resorted to such proceedings, except some persons in the condition of those referred to in the circular of the 12th of October had connived at, or given countenance to, or stood by consenting to, what was done. I do not think the fact of the men having been brought back at all removes the importance of that state of things. They were brought back, it is true. The public indignation alone, both of the Whigs and the Tories—and the Tories quite as vehemently as the Whigs—the mind of every right-thinking man would be directed against such a proceeding, if it were allowed to continue unchecked; but besides that, I believe that the good feeling of the people, as well as the interest of the employers themselves, and the better reflection of those under them who had countenanced the movement, when they found the mischief of what they had done, was sufficient to restore order; but they were not sufficient to restore the tranquillity of mind and freedom from influence in voting which electors are entitled to. Acts of intimidation took place on the 3rd and 4th of November, which, if done by the Members themselves, or their immediate agents, and unredressed up to the Parliamentary election, would, beyond all question, have amounted to undue influence within the fifth section of "The Corrupt Practices Prevention Act, 1854." Those acts, though limited to the 3rd and 4th of November, and though repressed almost as soon as they could be by the good feeling and better sense of the people,

people, would still be acts of undue influence to affect the election of the persons by whose agents they were done.

Now, there is another branch of this part of the case, and that relates to what took place at some particular mills, and in respect of these mills interference was alleged by the proprietors, the managers, or the overlookers; in respect of some of them the persons have been called who were charged, and they have denied the use of particular expressions which are imputed to them, but they have not successfully attempted, or indeed I think at all attempted, to do them justice, to deny the misconduct of the 3rd and 4th of November, although they have endeavoured to excuse or palliate it; and with respect to the expressions, those expressions were adduced for the purpose of showing that which I think is abundantly proved without reference to them, namely, the political character of what was done. The mills to which I will especially refer are, first, Coddington's Canal Mill, in respect of which evidence was given by Pye, Kelly, and by Wearden. The proceedings at that mill stand, I think, upon a different footing from those which I have been already discussing. Pye stated that he was canvassed by Mr. Robinson, and that he afterwards saw Mr. Catlow, who was the book-keeper and cashier; I think Mr. Robinson explained that he was only the book-keeper, though he is intrusted with the payment of the men, but he is a person who is entrusted with hundreds of pounds to pay the men; he would be a person in a situation giving him the appearance at least of very considerable influence over the men, and I cannot help thinking that he would be within the term "other person having influence," within the circular of the 12th of October, "and others possessing influence," which must of course be limited to others of the same sort as those who went before; I cannot help thinking that that would include a person who had so important an employment as Catlow had. Pye said: "Catlow sent for me; he asked me if I had made my mind up who to vote for; I said I have no vote for your party; then, he says, there is no more work for me if I would not vote for him"; that is the sort of evidence given with respect to what took place at Coddington's Canal Mill. Probably if that case had stood alone, it would not have been a sufficient case to act upon, it might have been necessary to send for Mr. Catlow, and ascertain more precisely what the particulars were of his conversation with the men, but Catlow is a person in the employment of Mr. Coddington at the Canal Mill, and Catlow is a man who of course might have been called for the respondents to contradict, if he could, what was said of him; and I must believe that Catlow did earnestly press upon Pye, and other men, the wisdom of sacrificing their political opinions, or the likelihood of their going if they did not. What followed shows, I think, that although the proprietors, the managers of that mill, disapproved of the act of Catlow when they found what he had done, and what had been done elsewhere, and they desired to get back the men, yet it furnishes strong evidence that the men are right when they say that Catlow did "bag" them, and "bagged" several more, and did so, assuming to have authority at the time, and under circumstances where it was recognised that he had authority, because I find that these were the men, if my recollection serves me, who, when the conduct of Catlow was discovered, were sent for; in the meantime they had taken out a legal process to recover their fortnight's wages for a wrongful dismissal, and those were the men, if I recollect rightly, who went before the county court for their fortnight's wages, and it was on their behalf that Mr. Ernest Jones was brought down, a gentleman of very strong political opinions, who showed his sincerity by suffering for them in more ways than one, and upon whom I make no political or party remark when I say that the profession to which he belonged sincerely esteemed his straightforwardness and worth in the walk which he chose, and deeply regret the sudden close of his career, at the time when he seemed likely to reap the reward of his professional talent, and his exertions for the party to which he attached himself. Those were the persons in whose behalf Mr. Ernest Jones was brought down, and they recovered their fortnight's wages before the county court judge. Now, that is a case in which parties were discharged by a man in apparent authority, in which they appealed to the law, the proper way for every man to follow who thinks he is injured; not to take the law into his own hands, but to appeal to the proper court to redress him. They did appeal to the proper court, and that court decided that they had been wrongfully discharged—of course by a person with either general or particular authority, otherwise they would not have been discharged at all—and that they were entitled to their fortnight's wages; that stands upon the distinct ground of dismissal of people for their political thoughts.

Well, I do not know that I ought to refer to a case which catches my eye at the moment—the case of Francis Robinson. That was the case of a man who remained out of work because the weavers objected to him on account of his politics. He is sent away with a notice, and therefore that is not so strong a case as the other; still it is a case in which the men are given in to. It is not a strong case in law, but it is confirmatory of what was running in the minds of the men at the time, and showing that politics were the subjects of dispute.

Now, there is one case which is left, and it would be wrong not to make a remark upon it, because it is even more distinct than that of Catlow's, and it belongs to the same class. That is the case of Greenwood's mill. The case of Greenwood's mill was this: Fish, Catterall, and Duxbury, along with Mrs. Duxbury, were discharged, and also, I think, Hayworth was discharged from that mill. He got a message from a person of the name of William Wade. Mr. Greenwood was asked who William Wade was, and he stated that he was an overlooker. He was called a tackler by a witness, but tackler and over-looker, I rather think, are the same. However, he turned out to be not only substantially

Blackburn.

but literally within the terms of the circular, because he was proved by Mr. Greenwood to be an overlooker. Hayworth says, "What did he say to you?" "He came to me like this:—'Here,' he says, 'I am going of errands; I do not like doing it.' I said, 'What is it?' He said, 'Langtree tells them to tell them, through me, if I do not vote their way, I must not be surprised if I get bagged.'" Here is an overlooker sent by the manager of the mill to state to a voter, both at the municipal and the Parliamentary election, point blank, that if he did not vote their way, he must not be surprised if he got bagged. Well, then, he sees Langtree, and Langtree, he says, states that if he voted the other way, he must not be surprised if he got bagged.

Well, then, there are the other witnesses whose names I have given, who successively stated (the woman who was examined being the wife of one of them), that they voted on the Liberal side; that there was no ground for dismissing them, except that Langtree did send them about their business; and that the only explanations they got were, that they were Radicals, and might go to Radical shops; and with respect to the woman, that Langtree said he did not know what the reason was for dismissing her, and that he would have none of her impudence. These cases are to be taken with Hendle's, who remained in the employment, and did not venture to vote at the Parliamentary election, but went away to avoid doing so, as I conclude.

I agree with what was said by my learned brother Ballantine, that if this case stood alone, that if this could be looked upon as an isolated case, one would cast about for reasons for arriving at a conclusion that what was suggested—other than politics—was the ground for sending these people away, notwithstanding they had been years in the employment. But, taking these with the other cases, it would be blinking against the light to adopt that conclusion. This is one case having its peculiarities, and those peculiarities distinguishing it in an evil way from the others with which it stands in conjunction. It is like the case in which Catlow was spoken of, but stronger; because Greenwood and Langtree—Langtree at least—no wonder he was kept back; no wonder he was not called in the first place, until some pressure was put upon the respondent's counsel; he, being called, gave no satisfactory answer to that case. He suggested excuses which, if they were to operate, would have operated at the time, and which were not given as reasons at the time; and many of the reasons were hardly suggested to the men as they came up; for instance, Ramsbottom, and the story of the blow with the stick, and the ducking to escape it, which all came out suddenly in the evidence of one of the witnesses for the respondents, and was afterwards contradicted by Ramsbottom.

Such is the general outline of the evidence which has been given in this case. It has been met upon the part of the respondents, as I have stated, chiefly by calling the respondents and the principal managers at the mills, who state, as I am sure is the case with respect to most, if not all of them, because I must make at least one exception, that they disapproved of what went on at the time—of course, I am not here dealing with the cases I have got rid of, of Riley, and especially the case of Mr. Hornby, which I think ought not to have been introduced, indeed, into the inquiry at all, because it is very difficult to remove an imputation of the kind when it is made, although there may be nothing whatever in it. But besides this, there are several, perhaps all but one, of the employers whom I should acquit of having personally interfered with, authorised, desired, approved of, or ratified what was done at their mills. It is not likely; it would be the most injudicious thing in the world; and, speaking with reserve, with at least one exception, I must treat this as being a case in which the principal movement came from the men; but in which, on the one hand, I must conclude that the men would never have acted as they did if they had not had some encouragement, at least from the persons who were in a superior position to them at the mills; and with respect to at least two of the mills, and certainly as to one of them, Greenwood's, I must come to the conclusion that a case has been made out in which men were sent away for their political opinions on the eve of a general election, and by a person or persons who did stand in the relation of an agent or agents of the sitting Members. I have arrived at this conclusion, I will own, with very great regret; not regret, that the law should be as I have stated it; the law is so, and the law must be obeyed for the safety of all, and in order that freedom and purity of election may be preserved hereafter. I regret it, not because of any real or substantial doubt remaining in my mind after having carefully investigated the facts which, as it appears to me, have been established in evidence; but I regret it because this is a case in which there has not been any vulgar corruption in the borough; in which there has not been any general or extensive corruption in the borough; in which the misconduct which has taken place, is not to be attributed to the Members or their immediate agents; in which it has been limited to a few people, compared with the large size of the community; but in which those few people, or those amongst them who legally occupy the position which invested them with agency, have contrived by conduct which the law condemns, and says shall void the election, to make the last election for this borough void. I must pronounce it to be such. I must pronounce that the election of November last was null and void, by reason that the sitting Members, not personally, or willingly, or knowingly, but through agents of theirs, for whom the law makes them answerable, have been guilty in the terms of the 5th and 36th sections, by such agents, of undue influence. I must pronounce that no corrupt practice took place at the election with the knowledge or consent of any candidate thereat; and that it does not appear that corrupt practices extensively prevailed, nor that there is any reason to believe that corrupt practices extensively prevailed in the Borough of Blackburn.

Now

Blackburn.

Now, there is only one other matter to be decided, and that is as to whether I ought to condemn the Respondents in the cost of these proceedings. In determining that, it was my duty to examine the course which the proceedings have taken; and I found that in these proceedings charges have been made of a very extensive character, both against the borough of Blackburn, and against the sitting Members, especially on Hornby personally, which have wholly failed. Those charges constituted a great portion of the staple of the petition; they were alleged and persisted in up to a late moment, and they were in part only withdrawn, and certainly not withdrawn in a manner that I could have desired when the petition came on. There is no ground whatever for having made them, and taking into consideration all the circumstances under which these unfortunate transactions occurred (unfortunate, because they will plunge this borough again into a political contest, in which I heartily pray that no such scene as occurred at and after the municipal election will be repeated, but that the next Parliamentary election will pass off as the last Parliamentary election was alleged by Mr. Thompson to have done), these circumstances have brought my mind very clearly to the conclusion that the case is an exceptional one with respect to costs, and that I ought not to make any order with respect to costs on either side.

I desire to add that I have been struck with the singularly good conduct of the inhabitants of this populous and important borough during the present inquiry; and I have to return my personal thanks to the mayor for the very great consideration and personal kindness and hospitality with which he has received me.

BODMIN ELECTION.

JUDGMENT delivered by Mr. Justice *Willes*, 24th February 1869.

Bodmin.

Mr. Justice *Willes*.] THE petition prays that it may be determined that Mr. Edward Frederick Leveson Gower was not duly elected or returned, and that his election was void. No scrutiny is prayed. The duty of the court is not to determine whether the majority obtained by Mr. Gower at the election did fairly represent the opinion of the inhabitants and voters of this borough, that he was in their judgment the best person to represent them in Parliament. The question is, assuming that it was the judgment of the majority that he should be the Member for the borough, whether that judgment ought to be set aside by reason of the conduct of a person called William Grose. And that would depend upon whether William Grose was agent of Mr. Gower for the purpose of the election, and if he was, then whether he is shown to have been guilty of bribery or treating at the election.

With respect to whether he was an agent of Mr. Gower, that is partly a question of law, and partly a question of fact. Of course, there are many persons who are employed at an election, and who in one sense are agents of the candidate, but who are not agents in the sense that his election will be considered void by reason of their misconduct. What is, then, the extent of authority which will make a person an agent, so that misconduct to the extent of bribery or treating, or other corrupt practice, will have the effect of unseating the Member, even although he may have been innocent of such corrupt practice himself, and may have been unaware that it was committed, and may even have forbidden it to be committed by the agent?

In discussing that first question, I feel in no respect moved by any supposed hardship of the law, which says unquestionably that if an election be obtained by the bribery or undue influence of an agent, that election shall be void. The result is so, unquestionably, upon principles which have been sufficiently explained, and have been long acted upon, and which I conceive to be clearly expressed, at least sufficiently expressed, by the 36th section of the Corrupt Practices Act of 1854. The only matter that ever made me entertain a doubt upon the construction of that section was the including of treating in the same category with bribery and undue influence. Bribery is dealt with by the 2nd and 3rd sections. The offence of bribery is committed by any person who gives or promises anything to induce another to vote, or to abstain from voting; and, of course, it is committed by a person who accepts a gift or offer, no matter what the form of the gift or benefit may be. The language of the 2nd and 3rd sections is sufficient, I think, to include every case of an unfair attempt to influence by a gift or offer of any advantage. And the offence under that 2nd section may be committed by the Member or by an agent, or by a person who is wholly unconnected with either. The 4th section, on the other hand, dealing with corrupt treating for the purpose of influencing the election, or a vote of a voter at the election, in terms is limited so far as any direct penalty is imposed to the candidate and voter only, as I read it, and therefore it seems at first sight as if it is only the misconduct of the candidate in respect of treating that should have the effect of avoiding an election. When, however, the 36th section is turned to, it is found that whether the candidate himself or his agents be guilty of bribery, treating, or undue

Bodmin.

influence, the same consequence is to follow. He cannot be elected during the existing Parliament, and he is also rendered incapable of sitting, and the latter words have the effect, not only of preventing him from being elected *in futuro* to a vacancy during the Parliament, but they react in a proceeding like this upon the election which is in question, and make it the duty of this tribunal to declare the election to be void so soon as it is compelled in the course of its duty to declare the candidate, either by himself or his agent, guilty of either of those practices. The doubt which crossed my mind was, whether reading the section by referring each to each, it ought not to be limited to bribery, treating, or undue influence of a candidate, and bribery or undue influence (not treating) of his agent, but I think to put that limited construction upon it would be to adopt what certainly has not been treated as the fair interpretation of the Act, and has not been the usual interpretation of the Act. I think that the literal interpretation of the 36th section without reference to the difficulty arising out of the 4th, is the proper one to be adopted.

Before I leave the Act, I think I ought to refer to the 23rd section, and put that out of the case. Now, while it appears clear to me that the 36th section does, by reference to the 4th, make corrupt treating by an agent a ground for holding the election to be void, I am equally clear that the 36th section does not so incorporate the 23rd section, as that an act done by either the Member or an agent, in violation of the 23rd section only, shall make the election void, unless that act also falls within the provisions of the 4th section. It should seem to have been usual in former times, and for aught I know it may have been the practice (and no doubt was the practice) at least, up to the year 1854, when the Corrupt Practices Act was passed, without any improper design upon the voters, with a view to profusion, which some might dignify by the name of hospitality, but a practice which I am afraid was resorted to, in some cases, rather for display than with any generous feeling, to give every voter who came up pledged for a candidate, or who had voted for a candidate at the election, refreshment, either by opening a common table at some inn where the voters breakfasted before they went to the poll, or where they had refreshment before they left the town after polling, and before they returned to their homes; and it is clear that such a practice must have prevailed in this, amongst other boroughs, because I find in the case of the Borough of Bodmin, reported in the "1st Power, Rodwell, and Dew's Reports," that the committee, whilst they seated Mr. Wyld, who was returned upon that occasion, I think, with Mr. Lacy, reported to the House that a system was pursued (and that system I have no doubt was general), as soon as a voter had given his vote, of giving him a ticket for 5s. worth of refreshment; and, although the facts are not stated very precisely in the Election Reports, I rather collect that that was the practice on both sides; and there the giving of the 5s. tickets was not traced to the Members or their agents, and, therefore, the question did not arise, as in this case, whether it was to be considered treating sufficient to avoid the election; but I cannot help thinking that that was the sort of practice with which, whether corrupt or not, the Legislature was dealing in the 23rd section of the statute, and also I am inclined to believe, though I cannot precisely cite my warrant for believing it, that where a farmer, for instance, came up from a distance to vote at a county election, it was not uncommon to have such an open table as that to which I have referred, not for the purpose of catching people's votes by the attraction of the meal, but simply as a thing which was then thought reasonable, and was not uncommon.

If to give a voter something to eat upon the day of the polling had been in itself treating, the 23rd section would have been unnecessary, the 4th section dealing with corrupt treating would have been sufficient to dispose of the case; moreover, if it had been intended by the Legislature in making that sort of practice which prevailed here and elsewhere illegal, as no doubt it is now by the 23rd section, also amount to corrupt treating within the meaning of the 4th section, the Legislature would have so declared itself in the 23rd section; has the Legislature so declared itself? The 4th section deals with the case of "a candidate who shall corruptly by himself," and so on, "provide, or cause to be provided," and so on, "any meat, drink," and so on, "for any person in order to be elected," which would refer to general ingratiation, "or for being elected," which seems only to be an echo of the former sentence, "or for the purpose of corruptly influencing that person, or any other person, to give, or refrain from giving, his vote," which would seem to deal with pampering the appetite of some particular person or persons, without any general hospitality in the way of ingratiation. In order that the case should fall within that section it is necessary to prove, not only the fact that meat or drink was given to a voter (I am now dealing with treating), but that it was done with a corrupt design to influence the election, or to obtain a vote or votes.

Now, turning to the 23rd section, which deals with the mere fact of giving refreshments to voters on the day of the poll, that section, after reciting that doubts have arisen as to whether the giving refreshments to voters on the day of nomination or polling be or be not according to law, and that it is expedient that such doubts should be removed, goes on to "declare," it seems a remarkable word to use, because I cannot find that a precise sanction was previously attached, but that is of little consequence here, for it enacts that "the giving, or causing to be given, to any voter on the day of nomination or day of polling, on account of such voter having polled, or being about to poll, any meat, drink, or entertainment in the way of refreshment, or any money or" (now we come to Bodmin in the old times) "ticket to enable such voter to obtain refreshment, shall be deemed" what? not corrupt treating, but "shall be deemed an illegal act." Now, what are

are the consequences that follow? A person who is guilty of the offence of corrupt treating under the 4th section is to forfeit 50*l.*; and a voter who shall corruptly accept meat, drink, and so on, so given under the 4th section, shall be incapable of voting at the election, and his vote if given shall be utterly void. That is the consequence under the 4th section. A further consequence under the 36th section, as I have already explained, will be that where such treating takes place that election is void. Under the 23rd section, on the other hand, the only consequence is that the person offending, by which I understand the person who gives the voter the meat upon the days of nomination or polling, whether with a corrupt intention or not, shall forfeit the sum of 40*s.* for each offence, to any person who shall sue for the same, together with the full costs of the suit.

The result, therefore, is that the true question here is, first of all, whether Grose did give the entertainment (I would rather call it refreshment than entertainment) which people did enjoy at his house to voters on account of having polled, or being about to poll. I think I should rather read "having polled," because I do not recollect that any person is stated to have gone to the house and to have proceeded from the house to the poll; whether what Grose did was only letting persons who had polled eat at the house on account of having polled, or whether the house was open with the corrupt intention of catching the Lanivet people as they came in, and inducing them to vote for Gower, upon the ground that they could by doing so obtain admission to Grose's house—I say whether what Grose did was a mere illegality within the 23rd section, supposing it to have been illegal, or whether it was a corrupt illegality so as to come within the 4th section.

There is a third point of view in which the matter might be regarded, but that is only material so far as Grose's liability to penalty is concerned; namely, whether his account of what was done is to be accepted, and the meal which he provided was merely a meal to which he might ask in a tenant or a neighbour without any particular reference to the election at all, except in so far as people were collected together at the election, amongst whom he might select such persons as he wished to meet at his house—and whether you could say that it really was even within the 23rd section, on account of a voter having polled, or being about to poll. But I think that that would only be material for the consideration of a jury in the event of Grose being proceeded against for the penalty; and inasmuch as my impression in this case rather is, taking the whole of the evidence together, that the case did fall within the 23rd section, although naturally I do not wish to pronounce an opinion against a man upon either clause, in a case where he is not personally represented, it is not necessary that I should very much consider the evidence with the view to acquitting Grose altogether. I should rather like to hear counsel on his behalf before I positively pronounced the opinion that he was subject to any penalty.

I must, however, decide in this case, whether the 4th section has been violated or not. Now, assuming that the feast was given with the view of influencing the election, "corruptly given," which I should have thought was the same thing as "with the view of influencing the election," by attracting poor people coming up from Lanivet, and making them vote otherwise than they would have done, under the impression or expectation that they were to have a dinner at Grose's; assuming that to be made out, there was corrupt treating, and if Grose was an agent the election is void, without reference to the question of bribery.

But there is the question of bribery still to be considered, because, quite apart from the proper inference to be drawn from the mere fact that there was that meal at Grose's at which persons who had voted for Mr. Gower, after they had so voted, got refreshment under circumstances in which it would be, to say the least, incongruous, that Wyld's voters should present themselves though some did so and were not refused; assuming that one ought not from that mere fact to conclude more than that the 23rd section was violated, and that one ought not, under the circumstances, to conclude that the 4th section was violated, there would still remain to be considered the question whether, over and above the facts to be considered with reference to the 4th and 23rd sections, there was not a previous promise made by Grose to one or more persons (one would be quite enough), that if he came in and voted for Gower he should have a dinner at Grose's. I quite agree with the law as laid down by Mr. Rodwell in his elaborate reply on the part of the petitioner, that if that were made out, quite apart from the question of corrupt treating, there would be a bribe within the 1st clause of the 2nd section, by reason of Grose offering valuable consideration to the voter in order to induce the voter to vote, or to refrain from voting, which, with reference to procuring food to be consumed *in futuro*, would be bribery; whereas the mere giving of food to be consumed on the spot is looked upon certainly in a more lenient way, and is dealt with separately in the manner which I have already described by the 4th section. It is somewhat remarkable with reference to this distinction between bribery and treating, that it has existed from very early times; and that even with respect to that form of bribery which has always been considered the most odious, the bribery of a person who holds a judicial place, express provisions have been made distinguishing treating from bribery. And, without going back to old books, I may mention what is within my own knowledge, that when I took the oath of a judge some 14 years ago, one of the terms of that oath was (and, unless it has been altered by the recent Acts, I suppose judges take the same oaths at the present day), you shall not take any gift from any man who may have plea pending before you, unless it be meat or drink, and that of small value. That is not a mere form chanted by the person who takes that oath, which has existed and been handed down from very ancient times; it is as much as to express that the law will

Bodmin.

trust even a person who may have to decide upon the lives and properties of others to take, but only in the form of refreshment, which is to be consumed at the moment and not pocketed or reserved for future enjoyment, small quantities of meat and drink. Moreover, it is an illustration of that saying which is quite familiar to lawyers, that the law deals with substance and not with shadows. The law allows those trivial matters which occur from time to time, and cannot be prevented, which really do no mischief except in the minds of the suspicious and the prejudiced, to go on as usual. It allows those who are engaged in a public duty to do that which is ordinary and usual in life, and cannot be brought to a standstill in the way of eating and drinking, with an express declaration that unless there be something more suspicious, no inference is to be drawn against a person who simply eats or drinks in the way of moderate refreshment. Well, now, I am quite conscious that that which might present attractions to one man which he could not resist, may, to another, appear possible to avoid. A hungry creature will go into the trap for a bait at which the well-fed one will turn up his nose with disdain. But it must be obvious (I have said enough, and I meant no more in what I said than to introduce what really is at the bottom of the decision in all these cases), that the judge must satisfy his mind whether that which was done was really done in so unusual and suspicious a way that he ought to impute to the person who has done it a criminal intention in doing it; or whether the circumstances are such that it may fairly be imputed to the man's, I will not say, caprice, because if a man tells me "I am capricious," I tell him "you have not given a sufficient explanation of what you did,"—but to a man's generosity or his profusion, or his desire to express his goodwill to those who honestly help his cause without resorting to the illegal means of attracting voters by means of an appeal to their appetites.

I conceive, therefore, that this really is, after all, a mere question of fact upon the whole of the evidence; and I must consider what impression the whole of the evidence has made upon my mind, to see upon this part of the case whether I ought to impute to Grose corrupt treating within the 4th section; whether I ought to believe the evidence so as to act upon it; that if there was no case of corrupt treating apart from the previous promise, there nevertheless was the previous promise, because that, however small the benefit, if conditional upon voting or abstaining from voting, would be a bribe.

I mentioned, however, that it was also necessary to consider upon the evidence whether Grose was an agent. Now, I cannot say that I think there is any very great difficulty in the law upon that; I should have thought the meaning of the 36th section is this, that if, supposing bribery, treating, or undue influence to have been legal acts, it would have been within the scope of the employment of the person who commits either of them to do that in advancing the views of the candidate in the capacity in which the agent is employed; then his committing such acts, notwithstanding that they are illegal by the statute, shall bind the Member to the extent, not of making him subject to penalties, but for the public benefit of having the election at which such practices took place by an agent, declared void; upon that the law, as it has been laid down, appears to me, I own, to be reconcilable to anybody's common sense. All I say now is, that the agent must be an agent employed by the Member to canvass; that is not necessarily to canvass generally, but to canvass a particular voter or voters in respect of whom the act was done. Of course, it might be extended, on the one hand, to a person engaged in the general business of the election, who, of necessity, would have the power implied of doing the minor act of getting votes; on the other hand, it might be limited to the case of a person who was employed to canvass a particular voter or particular voters only, and then that person would be one whose authority, being limited to such voter or voters, his illegal act in respect of others could not affect the Member, because he would be only an agent in the particular limited capacity. Again, there might be put, proceeding still in the same direction, cases in which a person, although nominally and popularly a canvasser, would really be no agent at all; you might put the case, which I believe is not uncommon, and which I could conceive might take place very easily in a county or other large constituency, without authority, properly speaking, to canvass at all; a person who, though called a canvasser nominally, was in substance not a man whose influence was relied upon, but was rather, upon the facts, a mere messenger sent round to know how the voters in the district meant to give their votes—a person sent round rather for information for his employer than with a view to his exercising any influence, either personal or by his powers of persuasion, upon the persons whom he was sent to ask how they meant to vote. And I can conceive that it would be very unjust with reference to the latter class of persons, unless he were really proved to be an agent by other evidence, to make the Member liable for what he did, to hold, in fact, that he was an agent at all.

In dealing with this part of the case, I should like to refer to a section in the Parliamentary Elections Act, 1868, which, I think, is not without its significance; and it may be interesting, inasmuch as this matter appears naturally to have attracted so very much attention. It is the 44th section; it is the section which imposes upon the Member the additional penalty of forfeiting his election in the event of his employing any person who has been previously found guilty of any corrupt practice by any competent tribunal. The expression there used is a man engaged at the election "as a canvasser or agent for the management of the election." One had not at first noticed that particularly, but it seems curiously to chime in with the rule adopted by the judges who have had to deal with these matters.

Now with respect to Grose, supposing it were lawful to bribe, and supposing that he had said to one of the Lanivet people, "I will give you a 5 l. note if you will come in and vote

vote for Gower," assuming Grose, for instance, to have been an agent, and that that were a lawful act, what would Mr. Gower have had to complain of? Nothing whatsoever; he would have had a man who was so ardent in his cause that he not only canvassed a voter, but he backed his canvass by a sum paid out of his own pocket for the purpose of advancing Mr. Gower's cause. And so with respect to the treating, and so with respect to the undue influence; I am far from thinking that it is at all unjust, on the ground that those acts are beyond what has been called the legal scope of the authority of an agent to impose any consequence upon a Member when they happen to be illegal, and I have no doubt at all in reading the 36th section in the manner I have already explained. I am afraid this is rather a long introduction upon the question of law, but it is so important that persons should not mistake the grounds of decision in these cases, that I have endeavoured to be full and clear upon the subject.

Now, first of all, was Grose an agent? My impression is that there is evidence of Grose being an agent, but that, I think, is rather evidence from Grose's own statements than from the rest of the case. I entirely believe Mr. Gower when he says that he never meant him to be an agent, that he was rather thrusting himself upon him, and also I have no observation to make upon the evidence of Collins. Grose was twice canvassing with Mr. Gower, he certainly was brought in as knowing and, I presume, having an influence over some of the Lanivet people; he had a list given him by Collins, although he obtained it from Collins by great pressure, and, moreover, he was engaged during the day of the election in bringing people up to the poll. On the other hand, there is the fact that he had no canvass book, which would go a long way in the opposite direction, considering that those who were intended to be regular agents had canvass books. And there is the certain fact, as I think, that if he was an agent his agency was confined to Lanivet; but I pass that by without further dwelling upon it.

I rather think, taking the whole of the evidence together, that I should have arrived at the conclusion, if necessary, that if Grose played false with respect to those Lanivet people, although he never was intended to be an agent in the sense in which that word is popularly used, yet so far as he canvassed the Lanivet people he might fairly have been taken to have done so with authority, by reason of Mr. Gower not forbidding him to canvass any further, and Collins letting him have a list, his being selected as the person to influence, so to speak (I mean fairly influence), Lanivet, and his activity on the day of the polling. I think Mr. Rodwell is right in saying that these facts would amount to evidence of agency (I say "*evidence of agency*" carefully), and I think that if you could show of a person in the position of Grose, any substantial case of doing illegal acts in advancing Mr. Gower's return, a case would be made out upon which Grose would have avoided the election, in so far as the question of agency is concerned.

Now, I must pass on to the rest of the case, and here, as Mr. Rodwell said, I have a very difficult and in some respects a painful question (although I do not feel the same pain as he sought to impress me I ought to feel in deciding it), that is the question, what was the real character of the transaction at Grose's, was it an illegal one, and if so, was it illegal within the sense of either the 2nd or the 4th section? I say, I do not feel this so painful a duty as Mr. Rodwell said it was, because I by no means feel it necessary (I do not think I should shrink from the duty for one moment if it did become necessary) to pronounce either that Grose or that the numerous persons who were called as witnesses, and who more or less varied in their testimony from that of Grose, were guilty of wilful perjury. I must remember the circumstances of which these people are speaking, and I must remember their conflicting interests and desires in the matter, and I must remember to adopt the figure well used by Mr. Rodwell in reply, as comparing the view which he presented to the view which was presented by my brother Ballantine, in stating the case for the respondent, that these people were looking at the facts each through a different glass and a different coloured medium, and I think that in this case the media were of several different colours, because, when the evidence of contradiction comes to be compared, it appears to me that there are cases in which Grose is at variance with two people, each of which two people gives an account not reconcilable with that which is given by the other, but almost as irreconcilable, to my mind, with that which is given by the other as with that which is given by Grose; and I must also remember that there are classes of cases to which, I think, I must now append these election cases, in which people, looking at that which took place from different points of view, with different degrees of attention, with different degrees of absorption by other business from that which is on hand at the time, bring away entirely different impressions of the same transaction, and do so honestly. They recite these different impressions in the way of a connected story in a court of justice, they contradict one another, and in those cases very often, they being persons of equal worth, it is necessary for a jury to say, not that this person has perjured himself or that person has perjured himself, but sometimes simply, "We believe the one," or "We believe the other," according to the probabilities of the case, and especially, I think, with reference to those probabilities which are to be found on an inspection of what some persons have called the "*real evidence*" of the case, that is, the evidence which has been given with respect to things the character of which could not be misrepresented or greatly exaggerated without intention, and as to which it is very often found that the witnesses the most contradictory will agree, whereas their evidence, in so far as it is matter of impression or opinion, or coloured by their expectations or their desires, has been quite in conflict. I speak here especially of the sort of entertainment that was provided to begin with. About that there can be no doubt; I must deal with it presently.

Bodmin.

But there is another sort of conclusion, and it is one at which I am very much more disposed to arrive in this case, namely, that neither class of witnesses has given a very precise or exact account of the transaction; that also very often happens, because people's memories are warped (of course they will be warped) by prejudice, and some people will remember one part of the case, and will exaggerate it a little, especially in a matter of intention, as this is, according to their views of what they think the person they are speaking of intended; while another man, again, will very much underrate it, because he is conscious that he had not the guilty intention which is imputed to him, and he fancies he has conducted himself rather better in the matter than he really did.

However, these are mere general remarks; I rather address them to myself than use them as reasons for the judgment at which I have arrived. My conclusion is, that this evidence must be strictly examined for the purpose of seeing how far either of the views presented, that there was a corrupt intention, or a previous promise, should be adopted; and, in the end, the judge can only say, "I adopt the one side," or "I adopt the other."

Now, I must first, as I indicated in the course of stating the law, consider whether this transaction, standing without the evidence of the alleged previous promises to persons that they should enjoy a dinner if they voted for Mr. Gower, could be construed as within the corrupt treating clause. With respect to that, certainly there are two circumstances which ought to be regarded: first of all, the amount, the quantity, and kind of food and drink which were provided, and I think I might say especially the latter. In order to determine the quantity, of course you must compare it with the persons who were to be corruptly dealt with, if the intention was to corruptly deal with anybody. Viewing this as a case of treating, the question is, whether it was a corrupt treating of the voters of Lanivet. That was why I could not help asking, at the end of the case, how many voters came up from Lanivet, and also how many voted for the one side, and how many for the other. I found that there were the two pieces of beef, off part of which Grose had his dinner upon the Sunday, and off the other piece of which he had his dinner on the Monday (which were originally 20 lbs.); a leg of mutton of, I think, 8 lbs. or 9 lbs.; one witness said six loaves of bread, the end of a barrel of cider, some butter, a quarter of a pound of tea, and certain trifles which would go in the eating of the meat, and there was also some cheese sent for in the course of the day; I think about 2 lbs. of cheese; these formed the meats and drink. The persons to be operated upon were voters of Lanivet 169, or, taking those who voted, 147; 91 of whom voted for Mr. Gower, and 56 of whom voted for Mr. Wyld.

Now, it is necessary to see first, whether there was such a provision made at Grose's, as would amount to keeping open house for the voters from Lanivet who came in and voted for Mr. Gower; secondly, I think we must consider who actually came to the repast, which is another part of the real evidence of the case. The persons who actually came to the repast are variously stated; I do not think I have more than 30; I will take it as under 30. I believe that if I were to take the evidence on the part of the petitioners as it came from the mouths of the witnesses before the watchers were called, I should say that there were about 30, a great portion of whom were women or children who were connected with voters. If I took the evidence of the watchers, and added that, I should conclude that there were between 20 and 30 voters, and that there was a proportion also of women and children who came in with the voters. I cannot make out that any person who voted at the election, went to Grose's house before he actually voted. I think that is not immaterial; people coming in after a walk from Lanivet, especially towards the dinner hour, and who were likely to be at all influenced by food and drink, would, some of them at least one would think, have dropped in at Grose's to see what the fare was likely to be, before going to the poll. I cannot find that anybody went there before he went to the poll; I cannot find that there was anybody at the poll (as was pointed out on the part of the respondent) to show people to Grose's after they had voted. The information of what was going on at Grose's appears to have spread in the afternoon, and not unnaturally, since Grose's was, I think, nearly opposite the house of the agent for Mr. Wyld, and one of the witnesses called, if I do not mistake, was a servant from that house; the people in that house would have seen some persons going into Grose's, some of whom were voters, and then the news would have spread to Mr. Wyld's people, and the watchers would have been sent, and the crowd that came in and scrambled for what was left and carried off the bones, would very naturally have been attracted to the place, and even the boys of Bodmin would become, as they were, so indignant as to apply an epithet to Mr. Gower, which he certainly did not in the least merit, whatever be the fate of the petition.

That is the way in which, taking what I call the real evidence of the transaction, the announcement of the repast appears to have been made. It seems a little remarkable, if that so-called feast is to be dealt with as corrupt treating, and was intended to attract the Lanivet voters, and to entrap them into voting, contrary to their previous intentions, for Mr. Gower, that there should have been, first of all, no announcement of the place given at the poll; and, secondly, that the matter should have been carried on in such a manner that it must have become known. A good deal of additional light is, I think, thrown upon it by the circumstance that several of the witnesses who were called (as I shall point out presently) to prove what took place, stated, not that they were invited by Grose, but that they went themselves, because they had been informed by some other person that there was an entertainment going on. I speak especially of those who voted for Mr.

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Wyld, and who were called towards the end of the case. I also speak of the watchers; they appear to have been attracted to the spot by general rumour, and not in consequence of anything they heard from any one who was invited, as far as I can judge, by Grose. This, again, is another piece, as it seems to me, of real evidence.

So much for the affirmative evidence: there is some in the negative. One of the watchers put down the names of a number of persons whom he saw going into the house. I think 20 was stated to be the number that was put down altogether. The names of those persons we have on this card; some one or two of those people were called, but none of the rest of them were called, though all their names were known. Every one of these people's names was known, because here is the card in the possession of the petitioners. Therefore it was competent to the petitioners, if those persons really had been invited by Grose, to have called every one of them, and to have proved in the case of each one that he was invited by Grose, either upon the condition of voting so as to amount to a bribe, or upon the occasion of the election so as to show that the eating and drinking were eating and drinking to catch Wyld's people for Gower, and so as to be corrupt within the meaning of the 4th section. I simply remark that, with the exception of, I think, three of these people, none were called. I think Philp was called, he was one of them; Hawley was called, and there was one other, I think, who was called--

Mr. Rodwell.] Goldsworthy.

Mr. Justice Willes.] Yes, Goldsworthy. With that exception, nobody was called out of the whole number. Therefore I certainly should not conclude that it was necessary to impute to Grose, apart from the alleged previous promises, a corrupt intention within the 4th section, and I should have thought that an innocent explanation might easily be given of the character suggested by the evidence of those witnesses who spoke of his having said that he was going to give some dinner to his tenants; by his own evidence with respect to his asking Mrs. Hancock, because she happened to be an old servant of his, and his asking Philp, because he happened to be a cripple, and by Philp's own account of the transaction between them, he being a man connected with Lanivet, and the occasion being one on which a great number of persons coming from Lanivet would be collected together, of giving voters, certainly those connected with voters, meat and drink on account of their having polled, so as to fall within the 23rd section, but not with the corrupt intention of influencing their votes within the 4th section. I must say that that would have been very clearly my view of the matter upon the 4th section.

It is necessary, however, to consider the evidence somewhat more minutely with reference to what would come within the 2nd section, because if it is proved that any person was promised a dinner if he would come and vote for Mr. Gower, or stay away from voting for Mr. Wyld (no matter whether his vote was effectually influenced or not, that would be perfectly immaterial), that act would be corrupt in itself; it would be an undue interference with the election, and, if Grose be held an agent, it would avoid the election within the 36th section. Now, I have thought it necessary to examine the evidence, especially of the witnesses to promises, as closely as I can, and it is necessary here to criticise language. I must criticise language for the purpose of ascertaining whether an offer or a promise was made, the effect of which was, not "If you happen to come up and vote, call in, and you shall have a bit of dinner," but the effect of which was, "Come up, vote for Mr. Gower, and if you do you shall have some dinner as a reward for your voting." The former would express an intention to do what would fall within the 23rd section, subjecting Mr. Grose to penalties; the latter would be a bribe which would defeat the election. Was the latter the effect of what was done?

I have had now so many of these cases, that I have begun almost to make a formula, and I must say that this is the first case with which I have had to deal in which the evidence of bribery within the 2nd section rested upon cases of alleged promise only. At this election there does not appear to have been one single farthing spent, or suspected to be spent, in corrupting the mind of any voter, and it is most creditable to the people of Bodmin, that no such suspicion has lit upon them. I say this, not merely by way of compliment to them, although they ought to cherish the recollection of it, and those who succeed to the places of the voters at the last election (although I hope most of them will survive to vote again) ought to endeavour to follow so good an example. There is not a single instance of that having been done. Apart from this case of Grose's, there is no evidence of treating; there is a negative of it, because the only publican who appears to have been pointed at as possibly being a medium of treating, with his wife, on being called, effectually negated the suggestion that anything of the kind had taken place. Here, then, is the single black speck in the election. Is it so black as it is represented by the witnesses on the part of the petition? I will take those witnesses in order; I must not go through the whole of them; that, I think, would be wrong, but I must take a specimen of those witnesses for the purpose of showing what my view of their evidence is, and the way in which it has acted upon my mind.

With respect to the first witness George, I must observe that he was a man who had worked for Grose, and however distinctly he speaks to a promise, which would have been within the 2nd section if it had been established, and I could believe him as to the precise words which were used, I find that his memory was so defective that he could not fix any particular time for the promise having been made at all. He seems to have simply come to the conclusion in his own mind that he was intended by Grose to be dealt with in the way of corruption, and to have a dinner if he voted. I think it very

Bodmin.

likely that George did hear of it, either directly or indirectly, through those to whom Grose did mention (as I am sure he did mention probably more than he now either remembers or chooses to recollect, whichever is the true view of his evidence), that he intended to treat, I do not say corruptly treat, such humble friends as came up from Lanivet to vote at the election; he admitted as much in part of his evidence, for he said that he told Mrs. Bate that if any poor people came from Lanivet who wanted anything to eat they might have it—a direction, however, which is consistent with an innocent view of his conduct. I say, I think it very likely that, either directly or indirectly, George did hear of some such direction. But certainly, balancing George and Grose, I cannot arrive at the conclusion that there was a corrupt promise under the 2nd section; looking at the surrounding circumstances, as I must do, also to some of which I have referred, I have a strong impression upon my mind as to the character of the election, and the intention of those who were engaged in it, so far as I can at all judge, not having perhaps heard the whole of the case on both sides on that point. Now, George adds that he did not see him again; he said he was a labourer of Grose's, and he had been very kind to him, and there I leave it.

The next person who was called was Mrs. George; I cannot recollect that she added anything to his evidence, but I think she detracted somewhat from it in that part of her evidence where she stated that she spoke to Grose; and being asked, "Did you hear any talk about the dinner?" she answered, "Well, I might have heard it in a sort of way from people." (Q.) "Who did you hear talk of it?"—(A.) "I heard that Mrs. Monk was at the dinner, and Mr. Hawley, and all that, but I was not there at the dinner, and did not know anything about it." Now, if George had had this distinct promise of a dinner in the event of his voting for Gower, is it likely that his wife would have been in that state of mind, and know nothing whatever, as it appears, about it, except what she knew from scattered talk after the transaction was over? I think that goes a long way to show how dangerous, how slippery, as I think Mr. Justice Blackburn expressed it at Stalybridge, the evidence of these promises of benefit *in futuro*, is to stand upon where there is no proof whatever of any actual bribery or corrupt purpose.

The next witness was Henry Burrows, and Henry Burrows' evidence seems to me to be very important with respect to the dinner, because two people were called to prove that an inducement was held out, indirectly, to Burrows, to vote upon the footing of having a dinner if he voted for Mr. Gower. Now, compare the evidence of those two people. Here are husband and wife; his account of the matter is, "Mr. Grose said, 'I am very glad we have succeeded; we have been here several times, and never had a chance of seeing you before.' Mr. Gower and Mr. Grose asked me whether I would support him, and I said 'No.'" Now, Mr. Gower is stated to have been present by him, so that there are two witnesses here in contradiction, and Grose at least has the satisfaction of being contradicted in company with the Member, Mr. Gower. Then Burrows goes on, "And he said, if I would vote for Mr. Gower"—what?—"he would get me liberty to pull heath in Lady Molesworth's wood." That seems to be his account of the inducement that was held out to him. Then he is asked, "Was anything said to you, at any time, about dinner?"—(A.) Well, they told my wife and daughter of it; no, he said nothing to me about any dinner." If Grose at that time had formed the design of catching people by promises of a dinner, yet although he was capable of offering a bribe of another kind in the presence of Mr. Gower, according to this man, he did not offer a bribe in the form of a dinner.

Now, when Mrs. Burrows came, she was the person who said "He promised to take us in the carriage, and give us a nice dinner." Here I must contrast the evidence of the one with the other, and I think in doing so I have a very strong proof of the wisdom of the remark of my Brother Blackburn as to evidence of this description.

The next witness who was called was Richard Marshall; Richard Marshall was called to prove a similar case, I daresay; of course the counsel for the petitioners did not put him into the box without some good reason, and that reason must have been that he was expected to prove something. Having read over his evidence, I find that he proves, so far as I can make out, nothing.

Mr. Rodwell.] He was the wrong man; there was another Richard Marshall.

Mr. Justice Willes.] There were so many wrong; Marshall seems to be an unfortunate name, because I recollect there were afterwards three Marshalls called, all of whom were women, and some of them turned out to be the wrong people. It looks as if there had been a vast deal of general conversation about this matter, and the petitioners have been proceeding upon information which they thought they could prove by evidence in a court of justice, and which turns out, after all, to be nothing more than gossip.

The next is one which, I think, it is very important to attend to also (it made a very strong impression upon me at the time), again as showing the danger of this sort of evidence where there is nothing substantial; no vulgar bribery, as it may be called, suggested in the case. The next witness was Walter Pearce; Walter Pearce gives rather a singular account of the matter; he gave, I think, three accounts. Walter Pearce was a person who appears to have been on unfriendly terms with Grose, and Grose denies that he invited him at all, and states why. Now, Walter Pearce, like George and Burrows, the persons whose names I have previously referred to, did not vote for Mr. Gower; but they having voted for Mr. Wyld, he appears to have voted for neither; he was a person who did not vote at all; he was a person whom Grose was at variance with. What account

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does he give of the matter? He says, "He asked me who I was going to vote for. I said I did not know I should vote for anyone. He said, 'You had better vote for Mr. Gower.' I said, 'I do not think I shall come here at all.' He said, 'I will provide you with some dinner, if you come in.' That is all he said to me." I need hardly observe that that is no proof at all of a conditional promise addressed to a person who was a farmer in the same condition of life as Grose, that I should have thought was incapable of any construction imputing guilt to Grose; the circumstances repel such a construction. Pearce's evidence goes on thus:—Q. "What did you say?"—A. "I said I should not come in for the sake of a dinner." Q. "Just repeat the words that Grose used?"—A. "He said, 'If you will come in and vote for Mr. Gower, I will provide you with some dinner.' I believe I said, 'I do not think I shall come in here at my own expense.' I believe I said that first, and then he said, 'I will provide you with some dinner.'" Then comes this question; the question seems rather to put the "if" upon him again. "If" is the question.—A. "If I would come in and vote for Mr. Gower; that is all Mr. Grose said to me." It occurred to me that he did give various accounts of the transaction, and I thought it necessary at the end to get him to give, if he could, a connected one, so I asked him, "You told one gentleman that he used the words, 'If you will vote for Mr. Gower, I will give you a dinner'?"—A. "Yes." Q. "You told the other, 'if you come in I will provide you with some dinner,' and that he did not use the words, 'if you will vote for Gower'?"—A. "Yes, I think he said 'Come in and vote for Mr. Gower, and I will give you a dinner'; that was the exact words, and that was all he said to me about it." Q. "Did he use the word 'if'?"—A. "He said, 'I will give you some dinner.'" Q. "Did he say anything about 'if'?"—A. "No." Q. "Now turn back in your mind, and tell me in your own way the words which you say he used."—A. "I said, 'I did not think I should come in at all; I should be otherwise out in the country, and I did not think I should come in to vote for anyone at all'; and I did not come in; that is all I said to Mr. Grose." Q. "Now tell us what he said to you?"—A. "He said, 'You must come in and vote'; that is all he said after that." Q. "What about the dinner?"—A. "He said to me like this: 'If you will come in and vote for Mr. Gower, I will give you dinner.'"

Therefore, he varies over and over, and over again, as to whether the word "if" was used or not; and the proper conclusion upon such evidence, with Grose's contradiction, as it appears to me, is that very probably Grose did tell him that there would be dinner if he came in. For Grose to have said that in the presence of a man who declared himself to be of Wyld's party, and not of Gower's, would have been incongruous; but to conclude that Grose entered into a compact with Pearce, or made him an offer conditional upon his coming in and voting for Mr. Gower, is a very different conclusion. I think the sum and substance of it is, "I wish you would come in and vote for Gower; if you come in and drop in upon me, I mean to have some eating and drinking at my house, and you may as well take a little if you come in." I think the true construction of that would be, "I mean to give meat and drink to voters, so as to come within the 23rd section;" not "I mean to corrupt your mind by offering you a dinner in consideration of your voting." I think it was done as accessory to and in the course of canvassing, but it was not proposed as an inducement. Then there is a variety of other witnesses who ought to be referred to. The next witness, I think, was William Trebilcock, who proved nothing whatsoever, and he was one of the witnesses who proved nothing. The next witness was George Inch. He was the man who had his little boy with him, leading him about, because he had suffered from illness before. I do not give that at all as a reason why his evidence should not be attended to. I think his evidence is important in another point of view, because what he says Mr. Grose stated to him was, "Take and vote for Gower, and I will write to Mr. Gower, and you shall be rewarded for it." Nothing at all was said to him about any dinner. It is pretty clear (and the learned counsel for the petition had too much experience and too much sagacity to think of saying the contrary), that an expression of that kind could not be relied upon as a real offer of a reward on condition of giving the vote. "Take and vote for Mr. Gower, and I will write to Mr. Gower, and you shall be rewarded for it." I do not think the evidence of this witness can be put out of the case as testing the probability of Grose's getting up a dinner in order to use it as a species of bribery; because there was no reason why, if he did, he should not have made point blank the offer of a dinner to him, as he is said to have done to the other witnesses as a condition of voting.

Then there is Mrs. Hancock, who I thought rather protested too much; I could not help rather suspecting her when she proclaimed her indignation at the suggestion of her husband's turning his coat for a dinner; quite right if it was honest indignation, but I rather suspected the vehemence of it at the time, and there appeared to be some reason for that suspicion, because she was the person who was obliged to confess that she had been before other tribunals, as the result of which she had been in prison.

Then there is James Hancock, who is her husband, and whose evidence, certainly, upon this subject is material; I do not like taking it from my own note, though it struck me at the time; I will refer to the shorthand writer's notes, and see whether I rightly heard him; he first spoke of having seen Mr. Grose and Mr. Gower, when he was not asked to dinner. The question was put to him, "Was nothing said to you by anybody about some dinner?"—A. "No, no one; not to me, but I have heard several things." Therefore, Grose, as regards him, had an opportunity of making him a promise direct, and of committing an

Bodmin.

act of bribery; but what he is said to have done, is to have told his wife, and then the man being called (a voter for Mr. Wyld) says, that Grose did not make any such offer to him, and he is then asked a question, which was objected to at the time, and which I ruled to be admissible, namely, whether he had heard anything about it from his wife. "Before you came up to vote, did your wife make any communication to you of something which Grose had told her, if so, let us have it?" "I think that my wife told me that Mr. Grose had said, that if I would come in the next morning, that is, the day before the election, he would give me dinner; that is all I can say about it, but I never had any dinner, and have never seen Mr. Grose, but there was nothing said about voting either side, that I heard."

Therefore, when the story of this man, to whom, through his wife, a corrupt promise was to be communicated, comes to be sifted, it turns out that no such promise was made to him at all, and he only thinks that he heard something of it from his wife before he went up to vote. If anyone doubts the character of the surface, I think this is sufficient to exhibit it, and to show that any person, supposing that he could walk steadily to a conclusion of bribery upon such evidence, would be a very rash and mistaken judge.

Then comes Goldsworthy, and Goldsworthy is a person who really struck me (I do not know whether I was right or wrong) as being bewildered; if he was not bewildered, he misconducted himself; upon the explanation of his rector, I come to the conclusion that he was a man perfectly bewildered, and his evidence does not appear to add much to the matter; if it is to be taken into account, it comes to Grose's telling Richard Hancock that he should have some refreshment, but not to a condition being imposed; then came Hancock, who gave the account of the transaction, that there was to be a bit of dinner as usual with the rest of Grose's tenants, which points to an innocent construction of Grose's act, dealing with it under the 4th, or corrupt treating section, though to a guilty view of it under the 23rd section, not avoiding the election.

Then comes the evidence of Elizabeth Hancock, who had been in the service of Mr. Grose. He admitted that he did mention to her that there was to be a bit of dinner. Then comes Thomas, who proved nothing.

Then comes Philp, who was a cripple, and who said that Mr. Grose did say he might go in, and who did go in and sit down at Grose's after voting for Mr. Gower. What is the amount of refreshment that that man received? That man received a little bread-and-butter and a drink of cider. Here again, one cannot help seeing, is one of the real pieces of evidence that came out so naturally that one could not doubt it. Philp was one of the people to be corrupted by Grose's conduct, and he comes in and is told, for kindness, he being a cripple, he may go in and sit down; he sits down, and has what I have referred to. He is one of the persons in respect of whom the chief actors in the transaction of the election had what I will call, without disrespect to either of them, a conflict this morning over their respective canvass books. Said Mr. Gower, "He promised me;" said Mr. Wyld, "No, he promised me, as well as many another man whom you have got as promising you." It is possible that some promised them both; but, with respect to Philp, he speaks for himself, and says, "I promised Gower, if I voted, not to vote against him." He said, "I have known Grose 40 or 50 years; and I had not promised to vote for Mr. Wyld." That is a small circumstance, but still one must endeavour, in a case in which there is a great deal of confusion, to get hold of as many matters as one can which appear to be material; and I do not think that that is immaterial. I think it was quite material in the opening to show that Mr. Wyld's just expectations, if there were any, had been disappointed. That had not been done in the course of the Petitioner's case; and, on the other hand, it was proved by the Respondent that he had just expectations. Certainly, so far as I have any means of testing the correctness of Mr. Gower's anticipations and Mr. Wyld's anticipations respectively, it should seem that Gower's were more accurate, at least they were in this case of Philp.

Then I have Marshall, who had some meat and drink; he had not been promised; he went in. Henry Ellery also went in; it was not suggested that he was promised; he got some information of what was going on. Others appear to have gone in also.

I believe that I have gone through the evidence of the witnesses that I meant to refer to, with the exception of the witness Joseph Hambley, and I must say that I agree with what was said on the part of the Respondent, that Joseph Hambley's evidence did in a remarkable way show how people will work up their minds to believe that others have done corrupt acts simply because they think that they are capable of them, and are induced to put an evil construction upon conduct which, considered by itself without the colouring of prejudice, really does not present any particular wickedness at all. They are induced, I daresay, by honest suspicion and honest prejudice, if there can be such, as I think there can, to believe—and then they come forward and allege as positive what is only their own belief and opinion of the transaction, whereas the belief and opinion which are to decide must be the belief and opinion of a person who is supposed to be capable of forming an impartial judgment.

This witness upon being pressed, actually said that he believed he was being dishonestly dealt by, and having had every opportunity of explaining why he came to that conclusion, he was obliged to admit, in the end, that the only reason why he said Grose was acting dishonestly towards him, was because he pressed him so sore, and exhibited so much anxiety that he should vote.

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The conclusion which I should arrive at, therefore, is this; that taking the fact that so few persons out of the number whose names were known, and whose addresses were known, could be found to prove that bribery was intended by a conditional promise by Grose; taking into account that so few of those have been called, and the exceedingly untrustworthy character of their testimony in respect of its accuracy, without expressing an opinion as to all upon its honesty because it is unnecessary to do so, I am quite satisfied that I should be straining proof to an extent wholly unjustifiable, and certainly far beyond anything that I conscientiously believe in the matter, if I came to the conclusion that there was such an offer or promise as would amount to bribery within the 2nd section. And considering the circumstances of Grose, which have turned out, so far as his appearance would lead me to judge, to have been quite different from those which the learned counsel was instructed to state, and from his instructions stated in his opening speech, in the absence of any cross-examination as to that, concluding that he was a person who was quite able to give such a repast as he did in an innocent way, or at least so as to come within the 23rd section, without any imputation of corruption, looking at the exceedingly frugal character of the meat and drink which were provided, and at their exceeding disproportion to the number of persons whom, if the case is considered under the corrupt treating section, it would be necessary to consider that he intended to attract, if he did intend to entrap them in an illegal manner; and without referring to other circumstances which I have pointed out in the course of the case, I am equally unable to come to the conclusion that there was corrupt treating by Grose within the meaning of the 4th section.

That being so, inasmuch as the other alleged acts of corruption, especially intimidation, crumbled away in the course of the case, and were properly admitted to have failed in proof in the able reply with which I had the advantage of being assisted,—treating them, therefore, rather as showing the exaggerated character of the case, upon the whole, than as forming any ground for believing that part of it which was in the result relied upon, I must pronounce that no corrupt practice has been proved to avoid the election; and I must conclude by determining that Edward Frederick Leveson Gower, the Member whose return is complained of by the petition, was duly elected and returned. I must further determine that no corrupt practice was proved to have been committed by any candidate at the election; and, further and lastly, that upon the evidence before me it does not appear that corrupt practices had prevailed, nor that there is any reason to believe that they have extensively prevailed at the last election for the Borough of Bodmin. I must add, because I am bound to dispose of the whole matter, and I have no doubt I should be applied to to dispose of it if I did not dispose of it myself, that I am further of opinion that this being a case of what I believe to have been as thoroughly creditable an election as any that well could take place, notwithstanding this jar by the conduct, discreet or indiscreet, of Mr. Grose, being as thoroughly pure an election as can well be expected to take place, so long as human beings are human beings; the case ought not to be considered as forming an exception to the general rule, and that the Petitioner having failed ought to pay the costs of the Respondent.

BRADFORD ELECTION.—(No. 1.)

JUDGMENT delivered by Mr. Baron *Martin*, 1869.

Bradford.
(No. 1.)

Mr. Baron *Martin*.] THIS is a petition presented by four gentlemen, who allege that Henry William Ripley was, by himself and others, guilty of bribery, treating, and undue influence; and that by so doing he was incapacitated to be elected a Member of Parliament, and that his election was void. I am of opinion that he was incapacitated to be elected, and that his election is void, upon the ground that he was guilty of treating; and I can arrive at that conclusion upon the evidence of the witnesses who have been called on his behalf. If I had to decide this case upon the evidence of Kitchenman, upon the evidence of Samuel Abel, and upon the evidence of his wife, I should come to the same conclusion. I am quite satisfied that upon the evidence of those three witnesses, adduced by the Respondent himself, his election was void; and that he was upon their evidence guilty of treating within the meaning of this Act of Parliament. This proceeding is under the authority of an Act passed in the last year, and I think it exceedingly desirable that all persons should understand what is the real meaning of it. An Act of Parliament is to be read according to the natural meaning of its language, and it is not to be read

Bradford.
(No. 1.)

according to the customs of the boroughs of Yorkshire, or what may have taken place at elections in those boroughs, according to the statement of the learned counsel. It is to be read according to the words which are contained in it, reading them in their ordinary and natural meaning; and persons must, whether it be difficult or not to carry out an election under the control of the Act of Parliament, submit to it. If they will carry on elections in defiance of the Act of Parliament, they must take the consequences; and it is not because it may be difficult to carry on an election in a town like Bradford, following the law, that therefore the law is to be superseded and set aside. The law must be obeyed, and, as I meant to say at a future stage of my judgment, in my opinion, Mr. Ripley might just as well have taken the 7,211 *l.*, which sum is returned as his expenses, and thrown it down the nearest coal pit, as to have spent it in the manner he has done. It is utterly useless; and no election under the present law could stand after such an expenditure. The Act of Parliament, to which I have referred, enacts a punishment for corrupt practices, where it is found by the report of a Judge that bribery has been committed with the knowledge or consent of the candidate. That is the section which the learned Counsel for the Petitioners has thought proper to abandon as regards Mr. Ripley; and on behalf of Mr. Ripley, I will say that the learned counsel did right; for, in my opinion, there is no evidence sufficient to satisfy me that Mr. Ripley has committed an offence against this clause of the Act. The effect of the clause is this, that if the candidate himself commit or consent to bribery, he is incapacitated from being elected; from that moment his *status* as a candidate is gone; it is as much gone as if he were an alien and could not be elected at all. Every vote given for him, were they the whole votes of the borough, would not carry his election, because the law says that the man who is guilty of bribery is, *ipso facto*, disqualified from being a candidate, and cannot be elected; and this section imposes upon such a candidate very serious disabilities. He cannot be registered as a voter, or stand at any election in the kingdom; he is incapable of holding any office under the Municipal Corporation Act; he is incapable of holding any judicial office, or of being appointed or acting as a justice of the peace; and he is further incapable of sitting in Parliament for a period of seven years. That is the consequence of a candidate himself committing bribery to the extent of one single voter. That is the law, and it is not to be altered or set aside by stating that it is a hard law, or one difficult to be followed, and that it has not been followed in this country hitherto. The section upon which the present petition is founded is the 42nd, which refers to another section in a former Act of Parliament, and those two sections taken together, substantially enact that if a candidate, other than by direct agency, shall, by the act of a person for whom he is responsible, be guilty of bribery, treating, or undue influence, he is incapacitated to be elected; and my judgment is that it has been clearly established that Mr. Ripley was, by his agents, guilty of treating within the meaning of those Acts of Parliament, and that their operation necessarily is to disqualify him for election. That is the matter upon which I propose to rest my judgment; and it will be very short, for the whole of the material evidence in this case lies in a narrow compass. If the evidence upon the petition had been confined to a few keepers of public-houses, by calling Kitcheman and Samuel Abel and his wife, the whole case might have been concluded in a few hours. Now, what is the evidence of this treating, and I will take the evidence for this purpose from the witnesses of the Respondent himself? It has been proved that there were opened in this town, by persons for whom it is admitted Mr. Ripley was responsible, 158 public-houses; that is the beginning of it. I am now speaking from a statement in writing, which was handed to me by one of the learned Counsel for the Respondent, Mr. Littler, and the statement is, that in 43 houses there were no refreshments supplied, so that, deducting those, there were 115 public-houses opened in the town in which refreshments were supplied. The learned Counsel for the Respondent has stated that these refreshments were supplied to people who had done work, but the evidence is directly the contrary; the evidence is that voters were admitted to those committee-rooms; that the farce was gone through of putting down their names as committee-men, and that their names being so put down, refreshments were furnished to them, whether they were voters or non-voters, or messengers; that is the evidence in the case. Kitcheman says, "I spoke to the landlord or landlords, and I told them that reasonable refreshments were to be furnished to the committees, but that I hoped they would take care that no excessive expense was gone to." That is his statement of it, and so far from his proving that these refreshments were furnished to persons who were supposed to have done work, it is directly the contrary, for his directions were that the refreshments were to be furnished generally to the committees. What does Samuel Abel say? He states that there was a committee held at his house, and that all the people there were to get anything in reason without paying for it; that is his account of the matter, and the evidence given by his wife this morning was exactly to the same effect. She told a story with respect to a sum of 2 *l.* which was given on the day of the election, and which she stated came out of her own pocket, to which, however, I attach no importance; it is, therefore, proved by the witnesses that at these public-houses refreshments were given, and that refreshments were to be afforded to the persons who came there, and they were afforded both to voters and to non-voters, and to any persons who were admitted to the room, with the caution that they should not be excessive, but reasonable; that is the evidence given by the witnesses called

called by the Respondent. What does the Act of Parliament say? It is a long clause, and I have no doubt that it was prepared with a view to these matters being discussed before a Committee of the House of Commons, and if the present tribunal had existed, this clause would not have been framed in the way in which it is, and that it was put into this shape in order to meet in words almost every case that could occur. It enacts, "That every candidate at an election who shall corruptly give or be accessory to the giving, or shall pay any expenses incurred for any meat, drink, entertainment, or provision, in order to be elected, shall be deemed guilty of the offence of treating;" now, suppose I were to hold that Mr. Ripley did not, by those persons who are admitted to have been his agents, corruptly give; viz., "a thing wilfully done and known to be against the law," I really do not know what would be said by any person if I were to come to the conclusion that those public-houses were not wilfully and in order to influence the election opened for the purpose of persons going there and obtaining meat and drink, which was not to be paid for by them but by the candidate; I should be wasting words in attempting further to explain it, for it is as plain a case as can be, and to anyone who understands the meaning of language, that section to which I have referred has been contravened by Mr. Ripley's conduct and the acts of those persons whom he employed, as it could have been. That is the ground upon which I rest my judgment; I do not mean to go into the imaginary cases which Mr. Price has referred to, but I have no doubt that if there was a candidate who came to a town, and he, as the case was put, called his friends and supporters together to discuss the matter of an election, and he paid for their refreshments, that would not be corrupt treating; that has no semblance to what has taken place in this case; what is that compared with public-houses being thrown open to any man to come there and get beer, tobacco, and anything he liked to drink? In my opinion, this case falls as clearly within the Act of Parliament as a case can fall, and it is upon that ground that I shall certify to the Speaker of the House of Commons that Mr. Ripley was not duly elected, but that his election was void by reason of his having been guilty of treating. But I should do wrong if I did not call attention to another matter which has occurred in the course of these proceedings. There is an Act of Parliament, the 26 & 27 Vict. c. 29, an Act that was passed in the year 1863, for the purpose of endeavouring to prevent corrupt practices in the election of Members, and it enacts in the plainest language that within two months after the election a detailed statement of the election expenses incurred by the candidate shall be furnished to the returning officer, and delivered to him with the bills and vouchers relating thereto. Now, what has been done in this case? In defiance of that Act of Parliament, a return has been sent in with the knowledge that it was in defiance of that Act, and Mr. Little in his evidence admitted that he did so, but states that he did it because his agent in London had told him that that was the way to do it. Is it possible to conceive that a gentleman can stand up and say that no conclusion ought to be drawn against his client, when the managing agent of that client acts directly and knowingly in defiance of the Act of Parliament? I should say that, if the counsel for the Petitioners had rested his case simply upon that, and had put in the account, and proved that no bills or vouchers had been delivered to the Mayor of Bradford, I should have called upon the Respondent to prove the legality of every payment that was contained in that account; my impression is that that alone would have made a *prima facie* case against any person; especially when I call attention to the amounts contained in the paper. I should be prepared to draw the strongest inference against any candidate who had so conducted himself, and had acted directly in defiance of an Act of Parliament which was passed for the express purpose of endeavouring to obtain purity of election. What is the document that has been handed in? I have read what the Act of Parliament requires to be done, and I have spoken already about treating. I will now read what the items are which were sent in on the part of Mr. Ripley, and I find that there is put down for "Committee-rooms and expenses, 1,997 l. 18 s. 3 d." This is one item, and I will take the analysis which was given to me by the learned Counsel for the Respondent, and it is this:—He stated that it was 1,900 l. and odd, but I see that it was returned at 1,997 l. 18 s. 3 d. Of this he said that the sum of 737 l. 8 s. 6 d. was for the rent of rooms, and that for refreshments exclusively there was a sum of 113 l., and that the balance of the account was for miscellaneous items. Now here is an election where, as I have said, there were upwards of 115 public-houses in which refreshments were given in the manner I have stated, and the payments for them amounted to 1,997 l. 18 s. 3 d.; and can it be supposed that any election can stand after such an expenditure? Then, what is the next item? "For messengers, clerks, and canvassers, 1,973 l. 11 s. 4 d." But who are those canvassers? It appears that there are a number of Irish voters in this town, and it was fair that all proper influence should be used to persuade them that Mr. Ripley was the more proper person to be elected a Member of Parliament. Then here is an account of the people who were called canvassers; and in the first place there is an account of Joseph Gibson's expenditure, and in the list that he handed in I find the names of Brannan, Powell, Geary, Freeman, and others. There are some other names which seem to be rather English names; the others are all Irish. That is his list, and it appears that 10 l. 15 s. was paid to them. Then comes another list containing the names of Laggan, O'Donnell, Heeley, Midgley, Welch, Dirkin, McGowan, Handy, McDonald, Donaghan, Gallagha, and Terry. I again

Bradford.
(No. 1.)

select the Irish names, and it appears that the payments made to those men were 5 s., 10 s., and 1 l., as the case might be. Then there comes another list of William Banks', at the "Beckett Arms" and the "Prince of Wales," and if I had to decide this case on bribery, can any person suppose that my eyes would be closed to this, and that I could not see that it was a mere pretence and cloak for bribery? I have not the slightest doubt in my own mind that the whole of the canvassing that was carried on was a mere pretence for giving those persons money to use their exertions in influencing the Irish voters. I need not decide upon that, but I have no doubt that the whole of that was a mere cloak and pretence. As I have already stated, the amount of the entire expenditure was put down 7,211 l. 16 s. 7 d., and I certainly have a very strong impression that no election will justify any such expenditure, and that that alone would make a case sufficient to call for an explanation as to how such a large sum of money had been spent. I have very little more to say upon this matter; but I think I am called upon to make an observation or two. I have not the slightest doubt that there are many respectable people in this borough who hold different opinions upon politics, and that they honestly hold them, and they have a perfect right to express them; but I really do beseech them to join themselves together for the purpose of putting down such an iniquitous system as that which has prevailed. Why the respectable persons in this borough should allow themselves to be dictated to by such a class of persons as we have had here, or why they should submit to have the election turned by means of votes obtained as it was proposed to obtain them here, I cannot understand. I therefore would ask you, as honest and respectable men, to unite in putting down such a system, and to determine that you will not support any candidate who opens public-houses in the manner in which they have been opened here; that you will not support any man who will countenance such a system, and that you will use every endeavour to put a stop to it. I have made these observations with a view to your own advantage. I came here not expecting to hear anything of the kind. I had been told that in boroughs like Bradford, which is one of the most thriving towns in the kingdom, and which obtained the franchise in 1832, the elections were conducted in an honest and fair and lawful manner, and that there was no bribery in them, and I really believed it. I arrived in this town not having the slightest conception of that which has been proved to have been done. I therefore do trust and hope that the honest people in this borough will join together; that they will sink their little differences upon political matters, and that they will one and all endeavour to put a stop to this system, which is not merely utterly illegal and contrary to law, but I should say tends to debase the borough and, to some extent, the kingdom itself. I have said this much with respect to a very great number of persons, who I believe are by far the majority of the voters, persons who are desirous to do their duty fairly and honestly, to exercise their franchise conscientiously, and return a fit man to Parliament; a man who understands the trade of the town, who is able to give his time to his duties to promote the prosperity of the borough, and to carry out the views of his fellow-townsmen, respected by all parties. There are gentlemen, belonging to this town, who would well fill the office of Member of Parliament, with credit to themselves, and with advantage to their constituents; but I would ask, what is the use of an expenditure of 7,200 l.? An election carried out with such an expenditure, spent as it was here, has no more chance of being upheld than it would have if the candidate were to stand in the middle of the street inviting every person to come and receive 5 l. for his vote. It is really throwing it away. I may say that I never did, in the course of my experience, arrive at a more clear conclusion than I have, that Mr. Ripley, by his agents, has contravened that section of the Act to which I have referred. It will therefore be my duty to declare him not duly elected, and to report that to the Speaker of the House of Commons. With respect to the other matters upon which I must report, the first is, whether any corrupt practices have been proved to have been committed with the knowledge and consent of the candidate. That is the report which I am called upon to make under the 43rd section of the Act, and upon that I shall report that no such corrupt practices have been proved before me to have been committed within the knowledge of Mr. Ripley. Then as to the names of the persons who have been proved to have been guilty of any corrupt practices, several have been proved to be so guilty, but I shall return only the names of those who have been guilty, upon their own evidence. The third matter is, whether there is reason to believe that corrupt practices have prevailed to a great extent in this borough. I think they have existed, but there is no reason to believe that they prevailed extensively during the election. I believe that there was treating going on to a very considerable extent, but, as far as one can learn, it was confined very much to one part of the town. I do not think that it was of a character which would justify me, understanding the Act of Parliament as I do, in reporting to that effect. The only other observation which I have to make, is with regard to the evidence which appears to be rather contradictory, such as Kitchenman's, and the four people who were called first, Bowen and the others; I doubt very much whether those people intended, any of them, to give a false account of the matter. Kitchenman gave an account, as it struck his mind, and I believe the others did the same. I think that the contradiction is more apparent than real. I must say, too, that there is no evidence of any gross intoxication or gross drunkenness existing during the election, but what was done was that the committee-rooms were opened, and that every person who was supposed to be a voter, and who went there, was allowed to partake, at the expense of

Mr.

Mr. Ripley, of any refreshment that was required. That is the history of that matter. I shall therefore not report that there is reason to believe that corrupt practices prevailed extensively in this borough.

Bradford.
(No. 1.)

Mr. *Giffard*.] Does your Lordship allow costs?

Mr. Baron *Martin*.] The costs will follow the event.

BRADFORD ELECTION.—(No. 2.)

JUDGMENT delivered by Mr. Baron *Martin*, 2 February 1869.

Bradford.
(No. 2.)

Mr. Baron *Martin*.] THIS is a petition presented by two gentlemen, Mr. Storey and Mr. Garnett, which prays that it may be determined that Mr. Forster was not duly elected or returned at the election which took place last November. I have no doubt that the petition is one which has been taken from a form kept at the office from which it proceeded; and it charges all manner of possible offences against the candidate which would affect his seat. The first 11 allegations are founded upon the first head of the 2nd section of the statute 17th & 18th of Victoria, chapter 102. The 12th is founded upon the 4th section. In my opinion, this case depends upon that section, and upon that alone, and the question will be whether or not it is proved to my satisfaction that Mr. Forster has violated the provisions of the 4th section. The residue is directed to undue influence, of which there is no evidence. With regard to bribery, there is no pretence for imputing it. The evidence upon that point was perfectly contemptible. The evidence was that a man, or two men, went to canvass at the house of a person who had been eight weeks out of work. His wife was there, and there were three children. The wife was the woman who was called yesterday, as wretched a looking woman as need be. The husband, at the time when these men called, had been out of work, and on their leaving his place, one of them gave a child 2s. 6d. That is the whole story; and that is supposed to be bribery, because a person gave to the child of a woman whose husband had been out of work for eight weeks 2s. 6d., that I should hold a kind act done to a family in distress and poverty, to be an attempt to bribe a man who voted for the other side, would be ridiculous. The next head of bribery was that of a man who had gone to live in Leeds, and the history of that transaction was this: a friend of his, living in the same street that he did in Bradford, went over the Sunday before the election to Leeds, and asked him to come and vote for Forster and Miall. He came by a third-class train, and paid 2s. for, I suppose, a return ticket; the man gave him 2s. 6d., thinking he came second class, and that is supposed to be bribery. The third case was that of a woman who went, about half-past seven o'clock, to the house of a man lying in his bed, for the purpose of calling him up. She said she understood he was behindhand in his rent, and she saw him afterwards with some money in his hand, and that is supposed to prove bribery on the part of Mr. Forster or some person acting on his behalf. I need not say that such evidence is beneath contempt, and ought never to have been brought forward. The case therefore resolves itself into whether there has been an act or acts done within the meaning of the 4th section. The law is that voters should exercise their franchise freely; that is the expression to be found in the law books, and the meaning of "freely" is that a man upon whom the Legislature has conferred the elective franchise, should exercise his own judgment, and should arrive at a conclusion which of the candidates he honestly believes is the best person to represent the borough, and give his vote for him. If it could be, it ought to be given from the man's own judgment, and no influence whatever ought to be brought to bear upon him. The policy and the theory of the law is, that a man upon whom the elective franchise is conferred should judge for himself which is the best and preferable candidate, and give his vote accordingly. But influences are brought to bear upon men which cannot be prevented. There are some influences which are called due influences, and other influences which are called undue influences, and the law has endeavoured to punish the use of undue influences. Amongst these influences there are what are called bribery, treating, and oppression, that is, an improper and undue pressure put upon a man. But if pressure is put upon a man, or a bribe is administered to him, no matter by whom, or treating is given to a man, no matter by whom, for the purpose of affecting his vote, the effect is to annihilate the man's vote, because he gives his vote upon an influence which, the law says, deprives him of free action; he becomes a man incompetent to give a vote, because he has not that freedom of will and of mind which the law contemplates he ought to have for the purpose of voting. But that affects the man alone, it does not affect the candidate; it has merely the effect of extinguishing the vote, and if there was a scrutiny

Bradford.
(No. 2.)

for the purpose of ascertaining who had the majority of lawful votes, that man's vote ought to be struck off the poll, but that is all. But it has been long held, before these Acts of Parliament passed at all, that by the common law of the land, that is, law not created by the enactments of Acts of Parliament, bribery, undue influence, and undue pressure, vitiate an election. So that if it had been proved that there existed in this town generally bribery to a large extent, and that it came from unknown quarters, that no one could tell where it had come from, but that people were bribed generally and indiscriminately; or if it could be proved that there was treating in all directions on purpose to influence voters, that houses were thrown open where people could get drink without paying for it, by the common law such election would be void, because it would be carried on contrary to the principle of the law. It is said in this case, and truly, that there was no such bribery or treating as at common law would affect the election as to the bribery, or rather the treating; for there is not in this case, nor was there in the other, any substantial proof of bribery, properly so called, that is, giving a bribe in money or money's worth. As I have already stated, there is no evidence of such general treating or general corruption, as would lead me, or lead anyone, to decide that the election was void by common law; therefore the result is that, for the purpose of unseating Mr. Forster and declaring his election void, it is essential for the Petitioners to bring him within the enactment of the Act of Parliament, which says that if a person commits the acts which are there called treating, that that shall affect his seat, and deprive him of the status of a candidate. It is for the Petitioners to prove that Mr. Forster was guilty of acting contrary to the 4th section of this Act, otherwise his seat cannot be affected; it may be that votes were given to him which, upon a scrutiny, would be struck off; it may be that the 23rd section of the Act of Parliament has been violated, but there is nothing in that 23rd section to affect the seat or the status of the candidate, and he can only be affected by the 4th section. I am clearly of opinion that the argument addressed to me by Mr. Price as to the 23rd section, is unavailing. It may prove that a penalty was incurred by what was done in giving refreshments upon the polling day, contrary to the 23rd section, but that has no relation to the 4th section, except in so far as the same act is evidence that may be used to establish his proposition, and show that something was done by Mr. Forster which contravenes the 4th section; therefore the question comes to this: Has that been proved to have been done? The evidence in this case resolves itself into two periods; it resolves itself into what was done before the election, that is, before the polling day, and what was done on the polling day, and the evidence is perfectly distinct upon these matters. Mr. Price has stated that this case is analogous to the case against Mr. Ripley; but in reality there is not the slightest analogy between them; there is an analogy in name, but it is only in name; in substance and reality there is none. The cases are quite distinct, as distinct as they can be. The case against Mr. Ripley was, that he had opened public-houses in the sense in which that is commonly understood, that they were public-houses selected by him or by his agents; that rooms were allotted in these houses where people went every night if they liked; that a messenger or some person was put at the door, for the purpose of preventing improper persons going there, but the people who went nightly to these public-houses went there and obtained drink, and the only limit which was put upon the drink was that it was to be given to them in reason, and that it was not to be given in excess. I have referred to the evidence this morning of Kitcheman, who was the active agent in the election for Mr. Ripley, and who stated that he was the person who opened these public-houses, and that his direction was to afford refreshment to persons who applied for it, but to afford it in reason, and not in excess. That is what I call opening a public-house; that is the meaning which has always been attached to the expression, a sort of open-house for voters to go to, and there be supplied with drink at the expense of the candidate at the will, or you may say at the discretion, of the landlord or landlady; that is the meaning of opening a public-house in the sense in which that word is used with reference to an election. But what resemblance has that case to the present? None. You have had a number of gentlemen called before you, amongst them Mr. Wade, upon whom no imputation could rest; and there were a number of other gentlemen called, every one of the chairmen of the different committees in the different wards, upon whom no imputation is cast. There was no cross-examination of them, and they swore that the selection of the public-houses in regard to Mr. Forster and Mr. Miall's election, was as different as night from day, compared with the case of Mr. Ripley, and that what was done was that they went to these places and agreed that they should have the use of the rooms on the nights when they went there, not every night, but merely that they should have these rooms upon the nights of the general meetings, when they went there to address the persons who attended. They paid them so much a night for the use of the rooms, but that is not the same thing as opening a public-house; one and all of these men swore that there was no drinking going on while they held their meetings. I see no reason to impute to the witnesses who have been called, that they came here wilfully to forswear themselves. It is not what persons may have done, or may possibly have supposed was done, for they may have supposed that these public-houses on behalf of Mr. Miall and Mr. Forster were of the same character and the same description as those that were opened on behalf of Mr. Ripley; I say it is not because they may have supposed that, but what they really were is to guide me. If I believe the evidence of the gentlemen who were called yesterday, Mr. Wade and the others, which I do believe, it was an entirely different character of thing altogether; it was the hiring of a room for the purpose of using it once a week,

Bradford.
(No. 2.)

a week, or once a fortnight, as it might be, but during the remainder of the time, that is at the times when it was not so occupied, it was to be used like any other room in a public-house, open to the public. When persons saw in the window, or upon the walls, the names of Forster and Miall, they may have supposed that the houses were of the same character as those that were used in the case of Mr. Ripley; but, if I believe the evidence of those gentlemen, who have been called, which it is not pretended I ought not to believe, the character of the public-houses, as opened and occupied by Messrs. Forster and Miall, was as different from that of the public-houses which were opened by Mr. Ripley, as it is possible one thing can be from another; the only resemblance is that they were public-houses. Therefore, believing the evidence of the gentlemen who were called yesterday, I can see clearly that this was not an opening of a public-house in the sense in which the opening of a public-house at an election, which was proved to exist in Mr. Ripley's case, that is, providing a room where voters and other persons could go, where drink was supplied, and where the supply was free, with a view thereby to influence voters. Then I have to inquire whether it is proved that what Mr. Forster has done has forfeited his seat. I should be excessively grieved if I felt myself compelled to declare his election void, because, from his evidence, and the evidence of Mr. Wade, and the evidence of the other gentlemen who have been called, I am satisfied that, as far as they were concerned, this was as honest an election as ever was carried on. Mr. Forster has sworn that he intended it to be so, and that he gave directions that it should be so; that after he became a candidate he went abroad, and that upon his return he was determined that the thing should not rest merely upon directions, but that he himself would personally investigate what was going on for the purpose of preventing anything being done that was wrong or unlawful. It was said that he was a man who in Parliament advocated and supported this Act under which I am now sitting. I cannot say that I feel myself under any particular obligation to him for so doing, for it is perfectly well known that it was against the wish of all the judges, who unanimously protested against it, and that it was imposed upon them as much against their will as any duty could possibly be. But when the Act was passed, it was their duty to obey it. The objections to it which were held by the judges were embodied in a letter written by the Chief Justice to the then Lord Chancellor, and I believed then, and I believe now, that those objections were such as ought to have had weight with the Legislature. My own personal objection to it is that I am called upon to do what I am now compelled to do, that is, to denude myself of my real office, and instead of sitting as a common-law judge to decide matters of law, and leaving the decision of matters of fact to juries, I am compelled to sit here to decide upon a pure matter of fact, as if I myself were a jury. It is a duty which I think ought not to have been imposed upon a judge, and for the simplest possible reason: there is no one, whether he be a lawyer or not, who knows anything of mankind who does not know that different men take different views with regard to facts; and I am confident that there are many men, and many men quite as competent as I am, who might take a different view of the facts which have been proved in this case from what I take. I believe that that will of necessity occur. Well, it may be asked, taking the view I do, why do I sit here? It is in a measure my own voluntary act, for when the Act was passed, it was alleged that the judges were not all bound to undertake the duty, that three additional judges were appointed, and they accepted the appointment with the knowledge of what they had to undertake, and that therefore it was no hardship upon them. The judges considered what ought to be done, and they were unanimously of opinion that the Legislature having passed this Act, it was the duty of the three senior judges to undertake the duty, and that it was not because it was an unpleasant duty that they should cast it upon the three judges newly appointed. This has placed me here to decide, not upon a matter of law, but to sit as a jurymen to decide upon matters of fact. Another matter connected with these inquiries is this, that I think it would be worth the while of the three judges who are engaged in trying these election petitions to consider whether or not, upon a question of fact, they would not simply say, "Such is my opinion," and so end it. But in the cases that have occurred, and this I believe is the fifth, the judges have gone at considerable length into their reasons why they have arrived at a certain conclusion of fact upon the evidence given. We are sitting as, I have already said, in the position of jurymen, and jurymen sit to hear evidence; they hear the summing up of the judge, who prevents any illegal evidence being laid before them, and they are then left to give their verdict for the plaintiff or the defendant, or guilty or not guilty, and there the matter ends; you do not interrogate a jury as to why they arrive at a certain conclusion. I doubt very much whether it will conduce to the public interests if the three judges who are now called upon to decide matters of fact should go into their reasons why they come to a certain conclusion which will be more or less satisfactory according as persons may look at it in different lights. As I have already said, different persons look at facts in different ways, and I believe you never will get uniformity of opinion upon them. As I have already said, this case depends upon the 4th section of the Act of Parliament; I have also already said that the case of bribery has failed. Bribery is a thing quite different from treating, and I have observed that both Mr. Justice Willes and Mr. Justice Blackburn have taken occasion in the judgments they have pronounced—Mr. Justice Willes in three cases, and Mr. Justice Blackburn in one—to state their view of the distinction which exists between the two. Bribery is the giving of money or money's worth, and to any man in a respectable condition of life, nothing could be more offensive than an

Bradford.
(No. 2.)

offer of money for his vote. I am sorry, however, to say that that is not the case with respect to other classes of voters; and we have seen them come into the witness-box, and state that they had received some small sums, without exhibiting any feeling of shame about it. They did not appear to feel that they had done anything wrong, and they took it as readily as they would have taken money for a day's wages; they had no shame about it, and I dare say they would tell their fellow-workmen that they had got it, and rather pride themselves upon having obtained it than otherwise. The 2nd section of the Act of Parliament deals with bribery, and bribery is, as ordinarily understood, the giving of money; and the enactment is this: "Every person who shall give any money to a voter to induce the voter to vote is declared to commit an offence." There is nothing there said about "corruptly;" it is simply the giving of money to induce a voter to vote, and that is declared to be an offence; and if a candidate does it, or if a person for whom he is responsible does it, he loses his *status* as a candidate and cannot be elected. The law fixes upon the act of giving money to a man to vote; every man must know that it is an unlawful and wrong thing to give it, and every man who receives it must know, at least if he be a man in a certain condition of life, that he is doing a dishonourable and a dishonest act in being bribed; there the Act stops, and there is nothing about "corruptly" in it; it does not apply to the mind of the man who offers, or to him who takes; it condescends upon the fact of giving money to a man to vote. That is the meaning of the Act, as is shown beyond all doubt by the next two lines, which say, "or shall corruptly do any such act on account of such voter having voted." The section draws a distinction between them, and it says that if you give money to a man to vote before an election, that is *ipsa facto* bribing, and as a consequence disqualifies a candidate from being elected; but if the money is given after a man has voted you must show that it was done corruptly. What is the exact meaning of the word "corruptly"? It is difficult to say, but I am satisfied that it means a thing done with an evil mind and intention, and unless there be an evil mind or an evil intention accompanying the act, it is not corruptly done. "Corruptly" means an act done by a man knowing that he is doing what is wrong, and doing it with an evil object. I have called attention to the 2nd section of this Act of Parliament in order to explain what, in my view, is the true meaning of it. The man does not live who entertains a higher opinion of Mr. Justice Willes than I do; I believe him to be one of the ablest lawyers that ever sat upon the bench; but in what has been referred to, he was speaking of giving money; and what he had directly in his mind was bribing in the sense I have described. He had not in his consideration at all the 4th section, which is to be read as a written document, a meaning to be given to every word of it; and the meaning is that which the terms naturally and fairly import. Every person who is called upon to construe the Act, is to read it in its natural and ordinary sense, and in the way that any man of good education would read it. It is one of the first rules in the construction of Acts of Parliament, which are an embodiment in writing of the wills of the House of Commons, the House of Lords, and the Queen, that you are to give to the words their ordinary, common, and natural meaning; and here are the words upon which I am to put a construction:—"Every candidate who shall 'corruptly,' by himself, or by any person, give, or be accessory to the giving, or shall pay, wholly or in part, any expense incurred for meat or drink, in order to be elected or for being elected, shall be deemed guilty of treating." The question I have to consider is whether Mr. Forster did corruptly give, or pay expenses incurred for meat or drink, in order to be elected. In the first place I have the positive oath of Mr. Forster that he did nothing of the kind, but as far as he possibly could, he tried to avoid it. I have also the oaths of eight persons who were the chairmen of his committees, and they swear that Mr. Wade having communicated to them—I am now speaking of what occurred before the polling-day certain instructions, they acted honestly and *bonâ fide* upon them, endeavouring to avoid doing anything that was wrong, knowing that it would avoid the election. They one and all swear that they adhered most strictly to the instructions given to them, and there was no cross-examination; it was not insinuated by the learned counsel, who appeared in support of the petition, that any doubt could be thrown upon the word of any of those gentlemen. They stated most positively that they knew of nothing that was wrong, and if anything wrong was done, it was done unknown to them. I certainly do think that it would be an unfortunate thing if a man who came forward to stand honestly for the purpose of being elected Member of Parliament for his native town, who selected as respectable people as apparently could be found in it, and was most scrupulously desirous of doing nothing whatever that was illegal, should nevertheless have his seat affected by means of an act done by some third person doing what he had directly forbidden to be done. The only act that has any weight upon my mind is the case of Lockwood Stephenson yesterday; all the others amount to nothing. There were some persons who got beer given to them, and I have no doubt that many of them told the truth. I have no doubt that there were enthusiastic partisans of Forster and Miall, who were desirous of getting votes, who saw people in public-houses who were voters as they thought, and they did give them or treat them with some beer, for the purpose, so far as they were concerned, of inducing those persons to vote. Now, the giving of that beer, and the taking of it, might possibly affect the votes of the persons who were so treated, but there is not a particle of evidence, except in the case of Lockwood Stephenson, to connect Mr. Forster, or to connect any one of the persons for whom he was responsible, with it. It appears that a man went to canvass a person having no
directions

directions given to him about it, but being a warm partisan, proposed to a man to vote for Mr. Forster. He stated that he had doubts in his mind, and would rather vote for Mr. Ripley than the other. The man said, "I will satisfy you that Mr. Forster is the best man to vote for; come to this public-house, and let us talk about the matter." They went, and he called for two glasses of beer, paid 4*d.* for it, and gave it to the man. Now, that is not treating in the sense of this Act of Parliament; there is nothing corrupt in it. It was a natural thing to do, and it has no resemblance whatever to that "corrupt" treating which is within the meaning of the Act; the real case, and the only case, which at all bears upon the question before me is the case of Lockwood Stephenson and Mrs. Hill. Mrs. Hill, as the learned counsel said truly, gave her evidence with very great honesty; and, in point of fact, she and Stephenson concur. Stephenson said, "We must do the best we can, we must give them a sup of something;" and she gave it to the people who came in. That was her account of the matter, and I am satisfied that the woman was telling the truth. Stephenson's account is this; it does not appear what position he was in beyond this, that he was a partisan and a good wisher of Mr. Forster's, and desired to advocate his cause.

Mr. Price.] He was a vice-chairman, my Lord.

Mr. Baron Martin.] He stated that he was an active partisan, and he was so described by several people; that upon the Friday before the election he went to Mrs. Hill's house, which I understand is in a low part of the town where Irish people live, and that a number of people came into the house, and said to him that the other side were treating and giving away beer largely, and complained that they could not get any. To use his own words, he said, "Those people are going off like sheep." "Give them some beer and keep them quiet." Now, I have not the slightest doubt that it is the real thing that occurred; was that a "corrupt" act by him, and supposing that an action had been brought against him for a penalty of 50*l.* by reason of that act, would that have been considered a corrupt act? I doubt it; I have already said, I doubt whether it would bring Lockwood Stephenson himself within the meaning of the 4th section, and I am not prepared by reason of it to declare that Mr. Forster, who has been perfectly honest throughout, and desired that nothing should be done that was illegal or wrong, has thereby forfeited his seat. If I were a jurymen I would not find a man guilty upon such evidence; if I had to say guilty or not guilty, I should say "Not guilty." The next question that I have to consider is, whether what was done upon the polling-day, and which is altogether a different matter, falls within the meaning of the 4th section. I do not think it does. What was done upon the polling-day was this: a number of persons who were supporters of Mr. Forster had formed themselves into committees to carry his election, and in this particular ward there were about 1,400 persons who voted for Mr. Ripley, 1,300 and odd who voted for Mr. Forster, and 1,200 and odd for Mr. Miall, and there were 60 refreshments provided and supplied by means of the tickets of which we have heard. Mr. Wade was called, and it is admitted on all hands that he is a man of respectability, and that he would not in this case, nor in any other, state anything but what he believed to be true. His account of the matter is, that he had given great consideration to the question, and that he knew these persons would be occupied in the election, which, as he truly said, was more like eight separate elections, and he treated each ward separately. He knew that persons would be required at the committee rooms during the whole of the time to carry on the necessary business of the election, and he told us that he and Mr. Little, who was engaged on the other side, had gentlemen attending to the poll for the purpose of checking the polling—they are called check clerks. The poll clerks had to take down the votes, and the check clerks had to check them and ascertain that they were correct. He stated that he and Mr. Little went to the town clerk, a gentleman not likely to do anything wrong, and Mr. Little and he agreed that the town clerk should provide refreshments for the clerks, and that they would afterwards repay the expense so incurred; both sides concur in saying that that was a necessary thing to be done. The men were obliged to be there during the whole day, and no man could reasonably be expected to sit from eight in the morning until four in the afternoon without getting some refreshment of some kind or other; but all sides agree that it was an innocent act, and an act of which no person can complain. Now, what was really done? According to the evidence, which I will take as it stands, it was doing precisely in the committee-rooms the same thing as was agreed to be done at the polling booths by both parties, that refreshments should be given to the men who required them to enable them to carry on the work of the election, and witness after witness swore that those refreshments were given to nobody else; that care was taken to give them to no persons except those who were actually engaged in labour. The question is whether or not that falls within the section of this Act to which I have referred; I am of opinion that it does not. That which is provided against is that the candidate shall not "corruptly" give any meat or drink "in order to be elected;" and I think that, to put a proper construction upon this act, the meaning must be given to the word "corruptly" which I have indicated, viz., a thing done with an evil mind; there must be some evil motive in it, and it must be done "in order to be elected." But those are negatived. In the first place it was not given "in order to be elected," because all these men were voters, and it was known how they would vote. They were there because they were voters who had declared their intention to support Mr. Forster. It is there-

Bradford.
(No. 2.)

fore idle to suppose that the meat and the drink were given to induce them to vote ; their intentions were known ; their minds were made up.

I therefore think that there is an absence of anything to satisfy me that it was done "corruptly," and, in my judgment, the doing of what was done, believing it to have been *bonâ fide* and honestly done, does not come within the meaning of the 4th section. I think that both objections to Mr. Forster's election fail, and it will be my duty to declare his election a valid one, and so to report to the Speaker of the House of Commons. The costs will follow the event.

BRIDGWATER ELECTION.

JUDGMENT delivered by Mr. Justice *Blackburn*, 26 February 1869.

Bridgwater.

Mr. Justice *Blackburn*.] THERE are one or two smaller matters which, not expecting this course, I have not quite determined, but upon the important part of the inquiry I can express my determination at once.

The law requires that when an inquiry upon an election petition has been heard, the judge should in the first instance determine whether or not the two Members were duly returned and elected. As to that, the law is very clear, and it has long been clearly established, that where there is bribery or corruption, the seat obtained by the bribery or corruption cannot be supported. I believe the law to be, though I do not think it has been distinctly settled, that if the bribery or corruption was to such an extensive degree (though it was not shown to be in any way connected with the agents or persons belonging to the Members) as to show that it was not a fair and open election, but a corrupt election, or if it was shown that corrupt practices of any sort, however small, were committed by an agent of the sitting Member, the seat is vacated ; and it has been established that it is not at all necessary and essential that the agent should have been acting with the knowledge or consent, or with the request, of the Member ; if he abuses his authority, and commits corruption, it equally vacates the seat as if the corrupt practices had been committed by the express direction and authority of the Member. It has never yet been distinctly and precisely defined what degree of evidence is required to establish such a relation between the sitting Member and the person who had been guilty of corruption, as should constitute agency. I do not pretend to be able to define it, certainly ; no one yet has been able to go further than to say, as to some cases, that enough has been established to make the seat vacant, and in some other cases, enough has not been established to make the seat vacant ; this case is on the right side of the line, and that is on the wrong side of the line ; but the line itself has never yet been definitely drawn, and I profess myself to be unable accurately to draw the line. But, in the present case, certainly, I believe quite sufficient *primâ facie* evidence has been given to call for an answer ; enough *primâ facie* evidence has been given to show that those who have been shown to be guilty of corrupt practices here were agents of the Members, and no doubt counsel were perfectly well advised when they advised their clients that that *primâ facie* case of which evidence had been given, could not be rebutted or overset, and, consequently, that the seat was lost.

But the Legislature requires me to go further. Where any charge is made on a petition that any corrupt practices have been committed at an election, the judge has to return, first, whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice. Now, upon that there was no evidence whatever produced before me to show that either of the sitting Members in any way had a personal knowledge of, or consented to, the corrupt practices. There was no evidence that could have justified such a finding, and as both the Members have been called to deny that there was such a thing of which there has been no evidence, I need not say that I have great pleasure in certifying that there was no corrupt practice proved to have been committed by, or with the knowledge and consent of, any candidate at such election.

Then the Legislature requires me to go further, and to state the names of all persons, if any, proved at the trial to have been guilty of corrupt practices. Before I state precisely the names of those persons, I shall require to look over my notes, and consider the

the evidence which has been given with respect to the cases of those persons. It is likely that with respect to some of those persons I may be inclined to think that no case at all has been made with respect to them; and, with regard to others of them, perhaps, I should rather hesitate and doubt, and say the cases were not proved, rather than that the men were innocent. But there are some with respect to whom I have no doubt at all, and particularly there can be no doubt that, upon the evidence as it stands, Henry Chapman Bussell was shown to have been guilty of bribery.

With respect to the case of the man Palmer, though he received the money, I do not think he can be properly said to have been guilty of bribery, because he never took the money with the intention to influence his vote.

With respect to Captain Crocker, who, by his own confession was guilty of bribery, I must return his name as having been guilty of corrupt practices; but, as he spoke the whole truth, he is entitled to apply for a certificate of indemnity, which will relieve him from all possible penalties. But with respect to Henry Chapman Bussell, who has not come forward and spoken the truth, I must, according to the Act of Parliament now in force, return his name to the House of Commons, in order that it may be laid before the Attorney General to consider whether the evidence is sufficient to support a prosecution. As he has chosen to leave the country, and not to come forward and obtain a certificate, he will be liable to that prosecution; and, I presume, unless he chooses to be an outlaw for life, he will be prosecuted when he does return. I mention all this, because it is very desirable that subordinate agents and others should be aware that, as the law now stands, they do not baffle justice by leaving the country and refusing to come and give their evidence; there will be clearly a case as against him.

As to Andrew Allan, I must look carefully at the evidence, in order to see whether I should report his name as having been proved to have been guilty of corrupt practices.

I think, as at present advised, that I shall report the name of James Hayward, the captain who was at Swansea, who positively swore that he was not bribed. I think, on the evidence, I should come to the conclusion that he was; I believe he was seeking to get paid for his vote; he was chaffering for it, and offering it for sale, and having professed to be going to vote for the Tories, on his way to the poll he spoke to Bussell, and then went and voted on the other side. I will consider the evidence, but at present I am inclined to think that I must return his name as having been bribed, though in doing so, if I do come to that conclusion, I must make the direct assertion that I believe him to be not only guilty of bribery but also guilty of perjury. There are several others with respect to whose cases I must look into the evidence before I say whether I shall report them to have been guilty of corrupt practices.

Now, I come to another very important matter. The third thing which I am called upon to report is, whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the Petition relates. The object of that return is to guide the House of Commons in considering whether or no the place where the election took place is so corrupt that an inquiry should take place with a view to arriving at a conclusion whether the franchise should be continued or not; and, upon that, which is a very important subject of inquiry, we have had sufficient evidence. If there were any ground to think the case had not been complete upon that, I should not have allowed the inquiry to stop now. Upon that I am sorry to say I must come to the conclusion that corrupt practices have extensively prevailed. The evidence has satisfied me of this, that a very considerable proportion of the voters in this borough were, during the day of the election, making inquiries in the phrases which have been used, "Whether anything was going?" "What stuff was going?" and phrases of that sort. The evidence also satisfied me that a considerable number of people, some of whom no doubt would have been made out to be agents of the sitting Members, others of whom probably would not, did repeatedly hold it forth, and the belief got amongst the people, that if anything was going, those who voted first should be paid as well as those who voted later, and received payment. If a single case of such a promise as that, a qualified promise, that if others get bribes you shall get one, proved against an agent of the sitting Member, would vacate the seat as much as if the bribe were actually handed over (which, however, I am not at present considering); treating such promises as corrupt practices, I believe from the evidence there certainly was reason to believe that they did extensively prevail at the last election. We find the consequence, and the result of the prevalence of this belief, in the state of the poll. Somewhere about one o'clock Mr. Westropp and Mr. Gray were in a large majority; the majority for Mr. Westropp being 148, and for Mr. Gray, 129. Immediately after that time bribes were given, which were proved to have been given by Bussell; and no doubt as soon as ever there was any payment at all, it became generally known that "money was going." And then we find, as soon as that became known, very few votes indeed were polled for Mr. Westropp and Mr. Gray. At one o'clock, the highest number of votes on the Conservative side, namely, those recorded for Mr. Westropp, was 607, and at the close of the poll he had no more than 681. From one o'clock, therefore, to the close of the poll, there were only 74 votes polled for Mr. Westropp. On the Liberal side, the highest number of votes recorded at one o'clock (namely, those for Mr. Kinglake), was 465, and at the close of the poll it reached 731; consequently, there were 270 votes polled for Mr. Kinglake between one and four. It is impossible to resist the conclusion I draw, that the previous promises and holding forth that if anything was going all should be treated alike, and the

Bridgwater.

actual bribery, which probably did not extend to a very large sum in gold that was parted with, but actual bribery in making that contingent promise at once absolute and unconditional, resulted in this, that a very considerable number (perhaps not all) of those 260 voters, who polled after one o'clock, were influenced by corrupt reasons.

Taking that view of the matter, the conclusion I come to is, that I must report to the House that, in my opinion, corrupt practices have prevailed, and that there is reason to believe that corrupt practices have extensively prevailed in the borough at the last election. What the House of Commons may do upon that, it will be for the House to consider.

I need hardly say that in a case like this, where the Petitioners have succeeded, the ordinary rule is that the Petitioners have costs; and as there is no reason to depart from the ordinary rule, of course the Petitioners must have costs.

CHELTENHAM ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 10 February 1869.

Cheltenham.

Mr. Baron *Martin*.] THIS is a Petition of Mr. Gardner, which prays that the election of Mr. Samuelson shall be declared void, and that upon three grounds: The first is that he was, by his agents and others on his behalf, guilty of bribery, and that is founded upon the 43rd section of the Act of Parliament, under which I sit, which renders a candidate who is guilty of bribery incapable of sitting in Parliament, and subjects him to very severe disabilities. The second is that he was guilty of treating. There has been no evidence whatever given of any treating at this election by any party; and in passing from that I must say that it is most creditable to the classes of this town who have been lately admitted to be voters, that such a thing did not exist. I have tried two petitions previously to this, and it is scarcely possible to conceive the extent of treating and drinking which took place. Men came up to vote so drunk that they could scarcely speak, and sometimes they did not know the name of the candidate for whom they were about to vote. It was proved that there were upwards of 100 public-houses thrown open, I mean thrown open in the sense that persons who went there got drink free of charge at the discretion of the landlord or landlady, and the only check upon it was that the landlord was desired to give it in reason, and not give it in excess. I must say that it is highly creditable to the lower class of voters of this town that they did not require, during a canvass which continued for nearly six months, to receive beer with respect to their votes.

The next head of objection to Mr. Samuelson's return is that he was guilty of undue influence under the 5th section of this Act, and if I were to declare his election void by reason of this third head of objection I should impose upon him the penalty of being incapable of being returned for this town during the present Parliament. My own impression is that the evidence does not fall within this section, which is directed, like the bribery and treating section, more to unduly influencing a voter or voters; individual voter, or voters, and not to general rioting or violence; that is my impression. And if it were necessary for me to decide the case with reference to this 5th section alone, I would reserve it for the opinion of the Court of Common Pleas. But I am clearly of opinion that the violence which has been given in evidence does not come up to that which would be necessary for the purpose of rendering this election void. I intimated so during Monday, and I have continued of the same opinion still; and when I come to call attention to the evidence it will be perfectly clear that the evidence is insufficient for the purpose. There are no individual voter or voters mentioned or alluded to who were prevented from voting. There is not a voter who voted for Mr. Gardner who has been called to prove that the slightest impediment was thrown in the way of his voting. There was no person in this town called to show that any force or violence or restraint was inflicted upon him, or offered to him with regard to his vote. The evidence takes quite a different character, and if it affected this return it seems to me that it would affect it by reason of the common law, which, of itself, renders an election carried by violence or force or intimidation void, because the freedom of election is violated, and persons are prevented from freely exercising their franchise and giving their votes. It seems to me that

that the evidence in this case is directed towards that, and does not apply to that which, as it seems to me, the 5th section of this statute is directed.

In the book which I hold in my hand, which is a book of authority, it is very clearly laid down, which common sense indeed would point out, that for the purpose of making violence or intimidation operate to defeat an election, it must be that species of violence and intimidation which would operate upon voters, men of ordinary courage and nerve, such as you ordinarily find men to be; and that the force and violence and intimidation which avoid an election, are those which would induce men of ordinary nerve and courage to abstain from exercising their right. Unless the force or violence or intimidation amounts to that, it is not sufficient to avoid an election. And that is not merely the law as laid down in the book before me, but it is quite conformable with common sense; and it is not because riots and violence, and assaults, and beatings may take place that that is to avoid an election, except it be of such a character as to render those persons who are to exercise the franchise reasonably unable, or reasonably unwilling to exercise their right.

Let us see what is the species of violence which has taken place in this town, and which was sworn to first by William Cookey. Brown I do not think spoke to any actual violence, but it may be that he did. Those are two people who, I should think, are as great ruffians as are to be found in this kingdom. I think Cookey's account of himself was such as would render any person sitting judicially desirous to require confirmation of his evidence, if such could be obtained. No one could expect that any man, whether he was a judge or a jurymen, would believe such a man as that, except his evidence was confirmed where it was capable of confirmation. His account of himself is, that he was a pugilist, and that upon the Friday before the election he was applied to by a man, who was named, to come over here, along with a number of others—eight of them—for the purpose of influencing this election, and that he came; and he speaks, so far as I am aware, of two acts of violence. He states that, upon the Sunday night, he, at the instigation of Mr. Boodle, who was an attorney here, went with two others to a place where a man called Field was. According to his account, Field was represented to be a briber, and he states that he, at the instigation of Boodle, and assisted by two other men, beat this man Field. But this man was no voter at all; he is not called, and we have only the evidence of Cookey as to what happened. It may be that Cookey exaggerated what took place on that occasion, and my own impression is that he did, because I think that if Field had sustained any real injury he would have been called as a witness; we should have seen him, and we should have heard what he had to say for himself. But what had that to do with this election? This man was said to be a detective, who was brought down by Mr. Gardner for the purpose of detecting persons on the other side who were supposed to be guilty of bribing, and the beating of this man had no more to do with the election than the beating of a man in Birmingham, or anywhere else. It was the beating of a detective, who was brought down here for the purpose of this election. It had nothing to do with, and had no bearing whatever upon the election itself. He states that the other violence which he used was, that, having received his directions at the committee-room of Mr. Samuelson, he, upon the day of the election, being desired to go and persuade the Blue voters to vote Yellow, when they would not be persuaded, pushed them and jostled them, and touched them upon their hats with a stick which he had in his hand. That is his account of the violence. With regard to that, I say I do not believe Cookey. I do not believe such a thing occurred. If it did occur, there must have been hundreds of voters who knew it, and who could have proved it. They were voters for Mr. Gardner, and, therefore, would be inclined to come forward and give evidence in his favour. If there was a word of truth in it, there must have been hundreds of persons to come forward to confirm it. But not a single human being is called. There is not a voter of this town called to show that he was influenced in the slightest degree by any violence, or any riot which occurred in it. Although, as I have said, there must be hundreds within half a mile of this place, not an individual is called to prove it, and it is left to depend upon the evidence of a hired gladiator.

But, further than that, there is a direct contradiction of this man's statement, and that is the evidence of the chief constable of this town, for he tells you that the election was an extremely quiet election; that it was quieter than any former one which had taken place since he had been in this town. I do not believe, and I cannot believe, that if this violence had been shown towards those voters as they were going to the poll, Mr. Christian would not have been called upon for the purpose of preventing it. Nothing of the kind occurred. Mr. Christian's attention was not called to any violence of any sort, and upon that part of this case I disbelieve Cookey. I believe his evidence to be false.

With respect to the other man, Brown, his evidence is not very material. However, he stands in the same position as Cookey. But let me here observe that it is impossible that any man can more strongly disapprove than I do of the bringing over of these people from Birmingham. It is not merely a wrong act, but it is the most foolish act a man could possibly commit. It was said by Mr. Chesshyre that it was done in consequence of the other side having resorted to the same system; and I have no doubt that the other side would say that what they did was in consequence of Mr. Chesshyre resorting to it. But no matter who resorted first to it, it was an excessively wrong and improper thing, and if there was evidence in this case that this election was affected by that general violence

Cheltenham.

and force to which I have alluded, the circumstance that hired pugilists were brought from a neighbouring town for the purpose of aiding in the election would be a very strong element indeed in proving that such violence did exist; and I cannot conceive a stronger topic or a stronger element for the consideration of a judge than the circumstance of such vagabonds being brought here. But whilst I say that it is a wrong thing, let me further say that it is the most foolish thing that a man can possibly do. The folly of it is greater than the wickedness. Just look at those ruffians. They come here, and they are paid the sum of 59*l*. This man Cookey says, probably falsely, that Boodle, the person who had hired them from Birmingham, had promised to give him 5*l*. if he would beat Field, and thereupon the day after the election he writes to Boodle to send him the balance of this 5*l*., he having only had 1*l*., as he says. But upon Boodle saying, "No, there was no such thing," he turns round and says, "I will go and betray you to the other side if you do not give me the 4*l*." He goes over to the other side, and, I dare say, tells them a heap of falsehoods to aid to set aside the election of the man by whom he was paid to come here. I trust that if ever an election takes place again in this town, or anywhere else, people will avoid doing such a wrong and such a foolish thing.

I have now stated the evidence with respect to Cookey. There were three other cases of violence. One was with regard to Joseph Reeve. It was at Watkins's house where he says he was struck by a man called Early, and that a young man called Staples was with him. Whether they followed him or pursued him to Watkins's house, I do not know, but it is clear that it was nothing more than beating a man who had given them some offence, and it had nothing to do with the election, and had no effect upon it, and there was not a voter in Cheltenham who was influenced by it.

The next person to whom violence was used was Mr. Packwood. He was an attorney acting for Mr. Gardner; and at about two or three o'clock in the morning he was out. He was going to some voter's house he said, and thereupon a number of men seized and took him to one of the committee-rooms of Mr. Samuelson, where somebody that was there released him, and he went away. As to any influence upon Mr. Packwood, I cannot think that it alarmed Mr. Packwood himself to any extent, but it certainly had no effect upon the election.

George Henderson's was the third case. He was the man that was ill treated at the "Compasses" Inn. He was not a voter, but he was there, and some people came and struck him. There was a fourth man, there was a voter, "Old Harris," who had been in the street surrounded, or in company with some persons who possibly were supporters of Mr. Samuelson, and he says that he took the arm of this man and led him away, when he was joined by a butcher, and that a shout was set up, "They are carrying off Harris." That thereupon a number of men pursued them, got Harris from them and took him away, and one of them struck him a blow upon the hat which injured his head, and caused a lump upon it which he said was as large as an egg.

That is the whole of the evidence of violence that has taken place. It is quite obvious to any person that to set aside an election upon the ground of such violence as this would be ridiculous and absurd. If it was to be so, very few elections would stand. I am clearly of opinion that it is not sufficient for the purpose.

I should only further observe that in the event of it being thought fit to rely upon evidence of this sort for the purpose of affecting an election, I would recommend another paragraph to be put into the Petition, and that the objection to the election should be "general violence being used towards voters." My impression, as I have already said, is, that this violence which has been proved does not come within the 5th section of the Act of Parliament.

The next question is the bribery question, and is the only remaining one. Now, with respect to bribery, the ordinary meaning of bribery is giving money, and I entirely concur with what has fallen from my two brother Judges that bribery with money stands upon a different footing from other matters included in the Act of Parliament, the 17 & 18 Vict. c. 102, and I am now to decide whether or not there has been any case of bribery proved which affects the election of Mr. Samuelson.

In the first place, I have the evidence of Mr. Samuelson himself, and he swears that he (or his father rather) supplied a certain sum of money, amounting to nearly 2,500*l*., being about the same sum as has been spent on previous elections here,—and he swears that to his knowledge there was no act of bribery, or corrupt practice of any sort or kind; that he gave directions that it should not be so; and he pledges his oath that nothing of the kind was done with his concurrence or with his knowledge, and if it was done at all it was done contrary to his direction. We have had Mr. Chesshyre here, who was the principal agent, his agent indeed with regard to this matter, and Mr. Chesshyre confirms him to the fullest extent; and he swears that he had the control of this money; that he received the cheques, which you have heard of; that before the election he received 1,200*l*., and afterwards 500*l*. more. And he also swears that he had determined that no corrupt practice should take place; that he gave directions to that effect to every one, and that he had carried them out.

This is the evidence of those two gentlemen; and from the cross-examination of Mr. Huddleston, so far as Mr. Samuelson was concerned, there was no attempt made to show that it was not an honest statement, and that it was his sincere desire that this election should be conducted honestly and purely. Nor did I understand that he cast any imputation upon the veracity of Mr. Chesshyre. I know
nothing

nothing of Mr. Chesshyre. I never heard his name to my knowledge until the commencement of this trial on Monday last. But, as far as I could understand the cross-examination of Mr. Huddleston, he cast no imputation upon the honesty and integrity of Mr. Chesshyre, but treated him as a witness of truth. I have, therefore, the principal manager of the election, and I have the candidate himself, who swear that neither directly nor indirectly did they countenance any species of corrupt practice; that, on the contrary, they gave directions in every way to avoid it; and that they did, to the utmost of their power, prevent it. I need scarcely say that it would be a very unfortunate thing if Mr. Samuelson should be deprived of his seat by reason of the acts of any of those persons whose names have been mentioned; but no doubt, if it be proved that any act has been done which the Act of Parliament declares shall deprive him of his seat, that effect must be given to it. But it would be an unfortunate thing, as I have said, if a man who meant to behave honestly, and to conduct the election purely, lost his seat by reason of the conduct of some person with whom he was not immediately or directly connected.

But I believe that the evidence establishes that there was no bribery, certainly not to any extent. It is stated, in a judgment of my brother Blackburn's, that the giving of money is a thing which can be proved, and if money is proved to be given, you must search it out: but he states that where the evidence as to bribery consists merely of offers or of proposals to bribe, the evidence required should be stronger than that with respect to bribery itself. Now, in the whole of the evidence on behalf of the Petitioner, it is only proved that money to the extent of 2*s.* 6*d.* was actually given to any person. This was to the man Cox, and the money was 1*s.* before the election, 6*d.* upon the night of the polling, and 1*s.* the morning afterwards.

The only evidence adduced of actual payment is of that 2*s.* 6*d.*, for all the others were merely offers. There were only three cases with regard to money. There was the 5*l.* note to Gardiner; there was this 2*s.* 6*d.* to Cox, and there was the offer of 10*l.* which was said to have been made by Mr. Smith to Belcher, which Mr. Huddleston abandoned. Indeed, he could not have done otherwise, for it is perfectly idle to suppose that Mr. Smith, an attorney, who knows perfectly well that his giving a bribe would utterly defeat his purpose, should have committed such an indiscreet thing as to make a real offer to Belcher to give him 10*l.* for his vote. Mr. Smith has sworn most positively that he did not, and I believe him, and I do not believe that any such act took place as that which was sworn to by Belcher or his wife.

I am satisfied that very little bribery, if any, took place in this town. People who accept bribes are like those prize-fighters; they take the money, and many of them think, too many I am afraid, that it is no great crime; and I believe they do not very frequently conceal it among their acquaintances, and persons with whom they live and associate. But I have it proved here that 50*l.* was offered by Mr. Price to the man Jenkyns, with respect to his evidence. Mr. Price is the foreman or manager of Mr. Gardner's brewery. I have it proved that Price had engaged to pay Jenkyns 50*l.* if he gave evidence the effect of which would unseat Mr. Samuelson. The man was called, and I suspect that he is a man of bad character, and somewhat the same description of person in Cheltenham as the witnesses, Cookey and Brown, are at Birmingham; for Mr. Chesshyre stated yesterday that he came to him last Saturday, and that, knowing who the man was, and what he was, he would have no communication with him, except in the presence of a third person. So that it seems to me that Jenkyns is a man who has not a very good reputation; and, therefore, if the matter rested upon the evidence of Jenkyns alone, I should not form a conclusion hostile to any man upon it. But the evidence does not rest upon his testimony; it rests upon a written document signed by Price. He produced, yesterday, this document:—"Thomas Jenkyns has deposited with me an agreement, dated the 4th December 1868, as security for 5*l.*—*J. Price.*" There is a document, signed by Price, which states that there was deposited with him an agreement bearing date the 4th of December 1868, and that 5*l.* was then paid to this man. That agreement was called for, and I have no doubt that it is as much under the control of Mr. Gardner, or his attorney, as any document that they have in their pocket; but it is not produced, and Price is not called. The witness, Jenkyns, swears that what was contained in that document he could not read; but what he believes was contained in it, and what was told him by word of mouth, was, that he would be paid 50*l.* if he gave evidence and Mr. Samuelson was unseated. Therefore it is plain and clear that every exertion that could be made, with a view of obtaining a witness for the purpose of proving bribery, has been adopted by Mr. Price.

But the matter does not rest here, for you have the evidence of Cosnett. Cosnett was a man who had been a clerk employed at this election; and he states that he met a Mr. Stroud and a Mr. Garrison at his sister's; that Mr. Garrison or Mr. Stroud there showed him money to the amount of 100*l.*; that he put 10*l.* into the sister's hands, to hold, and that he told him that that should belong to him if he would get up evidence for this Petition; that for this money he was wanted to find out who paid the travelling expenses of three men from Swansea; and that the 10*l.* was placed in his sister's hands, of which afterwards 9*l.* was returned, and 1*l.* given to her for the trouble she had had. I will not say positively, but my impression is, that one of those gentlemen was an attorney; but neither he nor Mr. Garrison is called to contradict the circumstance; and if it really happened, there was an offer of 100*l.* made to Cosnett, with the view

Cheltenham.

of his obtaining evidence in support of this Petition. What is the inference that I draw? I have said already that persons who are bribed are generally persons of an inferior class of life, and that they are like those prizefighters from Birmingham, very easily to be bought again. If they are bought to vote, they are doing what any person in any respectable line of life knows to be a bad and dishonourable thing; but buying, for the purpose of giving evidence, buying for the purpose of coming and telling the truth if they have been bribed, is a very different thing. And when I find money to the extent of 50*l.* and 100*l.* being offered to two persons, with regard to evidence on this Petition, I cannot but believe that if there had been people bribed to any considerable extent with money, they would have been found ready to come forward and accept sums far less than 50*l.* or 100*l.* for giving their evidence. And as there is not a single person called for that purpose, the inference I draw is that bribery, if it existed at all, existed to a very small extent indeed. That is the reason why I am satisfied that money to a very trifling extent, if any, was paid in bribing at this election. As I have said, the only money attempted to be proved to be given, was the 1*s.*, and the 1*s.* and the 6*d.* given to Cox.

As I am upon that subject, I should now say that being satisfied that this was meant to be a really honest and pure election, before I unseated Mr. Samuelson I should require to be satisfied beyond all reasonable doubt, that the Act of Parliament was contravened. I will take Cox first, because I have been alluding to him. His story is, that he got 1*s.* from Baughan upon one day, and 1*s.* upon another, and 6*d.* upon a third. But, in the first place, Baughan is no agent at all, and no one pretended that he was; and to say that Mr. Samuelson's election should be put in jeopardy by reason of the act of a man with regard to whom there was no privity proved, either with himself or with Mr. Chesshyre, his agent, would be absurd. But I do not believe Cox; I did not believe him when he was giving his evidence. I thought he was telling an untruth at the time. Baughan explains the matter. It was no more given him as a bribe than a penny given to a beggar in the street would be a bribe. Dix is called, who seems to be an exceedingly respectable man; and Baughan tells you, and Dix also, that Baughan having been challenged with bribing Cox, he, in the presence of Dix, challenged him with it, and he said that there was nothing of the sort. I believe that the evidence of that man was given here with the knowledge that he had said that it was no bribe, and that he went into that witness box to swear what he knew to be false. It was his consciousness that he had conducted himself in the way that he had to Baughan and Dix, which caused him to give his evidence in the manner in which he did. At the time I was satisfied, from his demeanour, that he was not telling the truth, but Baughan and Dix's evidence puts it beyond all doubt, that the money was given to him, not with regard to his vote, that it had nothing whatever to do with it.

The next case is with regard to Humphreys. That is a case of employment to influence a vote, and I am of opinion, that when the alleged bribing is an offer of employment, which is within the second head of the 2nd section of this Act of Parliament, it ought to be made out beyond all doubt, because when two people are talking of a thing which is not carried out, it may be that they honestly give their evidence, but that one person understands what is said by another differently from what he intends it; and there is no evidence which is more unsatisfactory than when two persons come to state what occurred in a conversation which was never carried out to anything. Mr. Lenthall stated what is very reasonable. He says, "Humphreys I knew; he was a man who, according to his own account, had been out of work from June; he had a wife and several children; all he got to support him was some occasional work, and he was in very great distress; and his rent was behind to a man called Wilks." But with regard to employment, he swears most positively that he never agreed to get him employment. What he did say with respect to employment, that he did not with regard to the man's vote, but out of pity for the unfortunate position in which he and his family were. And when a man goes to a house where he finds great distress, where he finds a man, with a wife and children, who has been out of work for four or five months, and when he knows the landlord, who is pressing for the rent, he might say, without anything wrong in the motive, that he would try to get that man some employment? I should say that it would be a conclusion, beyond all reason, if I were to hold that Mr. Samuelson's election is to be jeopardised by what took place between Mr. Lenthall and Humphreys. I say it would be a most harsh conclusion for any one to draw; I do not believe that any jury in the kingdom would find that there was an offer of employment within the meaning of this Act of Parliament.

The next case that I will take, and, indeed, I have mentioned it already, is that of Belcher. That was the case where Mr. Smith is supposed to have made an offer of 10*l.* It is contrary to all probability that an attorney would do a thing which he knew would defeat the position of the gentleman on whose behalf he was acting; and he most positively swears that he did nothing of the kind; and I believe him.

The next case is Portlock's case: that again is a case of employment; and there again Mr. Jessop, the attorney, was concerned, and he tells you what occurred. The two give an account of it. Portlock says, and his wife says, that the mention of two or three sovereigns came from Mr. Jessop. Mr. Jessop swears that it did not; that the sovereigns were mentioned by them. Portlock said, in his evidence on Monday, that he did say something

something about his not being able to vote if he got employment; and Mr. Jessop swore that what he said was, that if he got the employment which was spoken of he could not vote; and that, so far from getting him to vote for Mr. Samuelson, it was upon the distinct statement to him that if he accepted this employment he could not vote at all. That, again, is a case of promised employment, which, as I have already said, I think ought to be proved beyond all reasonable doubt, in order to set aside the election.

With respect to Clevely, I do not exactly understand how that case is put. There is no doubt that fictitious employment, with the view of paying money, would operate as bribery; and I suppose that it is put as if the colourable employment of the little boy who was called yesterday, and the paying of 11s. to him, was a corruption, I suppose, of Clevely. I do not know how otherwise it could be put; but, if so, I think there was nothing of the kind. It would be the most forced construction, even supposing Halliwell had any authority to do it, or that Austin had any authority to do it, of which he had none, to hold that the election would be affected by reason of what happened with respect to this man. There is no reason to suppose that any persons who were responsible for this election, that is to say, Mr. Samuelson and Mr. Chesshyre, had anything at all to do with this. Indeed, it is not pretended that Mr. Samuelson had, and Mr. Chesshyre, in the most distinct possible manner, declared that he knew nothing of it, and heard nothing of it, and authorised nothing of it. And I think it is plain (indeed, there is no evidence to the contrary) that Austin had not any authority to do it.

With regard to Clark, the fly driver, I do not see what that case is at all. I do not understand it. He was a fly driver; I suppose that flys must be employed during an election, and I dare say that sometimes more is paid than ordinary during that time. But it is not proved, from anything that fell from Mr. Chesshyre, that he was aware that more was charged, or that more was paid, than was usual. Indeed, it appears rather the contrary, because he recollected that 1*l.* was charged when the fly was not wanted the entire day, and he struck off 10*s.* With regard to Clark, the fly driver, I see nothing to bring his case within the Act of Parliament at all.

That disposes of all the cases except Gardiner's; and with respect to Gardiner's case, my own impression is that Ryder was not admitted by my brother Sargood to be an agent. But I will take it that he was. With regard to that transaction, supposing him to be an agent, I do not think, although it was a foolish act taking out and exhibiting that 5*l.* note, that I ought to set aside Mr. Samuelson's election because of it. It was at the most an offer to bribe. I do not suppose that Gardiner meant to tell any untruth with regard to this matter, but, if I believe the evidence of Ryder, and Smith, and Phipps, Ryder went in knowing that Gardiner was going to vote for Mr. Gardner, and they went in, as two of them expressed, "for a chaff"; and if that be true, and if Ryder knew that he was going to vote for Mr. Gardner, and believed it, I think that the true solution of it is that there was not a real intention to bribe, but that it was exhibiting the 5*l.* note "by way of a chaff," whilst there was no real intention in the mind of Ryder to bribe. That I believe is a reasonable and fair inference to be drawn from what took place. It was a transaction which is very much to be regretted; it was a transaction which has had the effect, I will not say of putting Mr. Samuelson's seat in jeopardy, but it was a thing which people ought to avoid. But I have to deal with the transaction itself, and looking at the whole of it, and especially looking at what afterwards took place with the two women, my belief is that that was the true character of the transaction, and that there was no real intention of an offer in order to induce Gardiner to vote for Mr. Samuelson. This took place about nine o'clock in the morning, and I understood yesterday, but I have no doubt wrongly, that the women had been seen immediately afterwards, and that Ryder and the others had gone from Gardiner's house to the women; but that turns out not to be correct, and that the interview with the women took place between 12 and one o'clock in the day. I am satisfied that all those three people, Ryder, Smith and Phipps, knew that Gardiner had then voted, for he was putting on his coat to vote when they called; and, according to the evidence of the two women, he went in Mr. Marshall's carriage to vote about the time they said. And, assuming that the note was taken out and exhibited to them, what possible object could Ryder have had in exhibiting the 5*l.* note, or in showing it to the women, for the purpose of bribing when he knew at the time that Gardiner, their father, had voted? I should be sorry to impute to those women that they purposely told a false tale, or that Gardiner did either, but the circumstance which has been proved of the 5*l.* note being taken out of Ryder's pocket before the women, confirms me that it was not a real intention and object to bribe by Ryder. And I cannot believe, and do not believe, that if Ryder or any other man had intentionally desired to bribe Gardiner, he would have gone in company with two other people for the purpose of doing it. That is not the way in which bribery is committed. When bribery is effected it is done by one person, and quietly, in private. It would be, in my judgment, a preposterous conclusion to arrive at that Ryder meant to bribe Gardiner, taking Smith and Phipps with him to witness what was done. If he had really an intention to bribe, he would have gone alone. I am not at all insensible to the discrepancy between Ryder's and Smith's evidence; that Ryder spoke of taking out a 5*l.* note accidentally with another paper containing other things. According to Smith's account he held it up in his hand; according to Gardiner's account he held it out open to him. I do not believe that any of those people meant to commit perjury in the matter,

Cheltenham.

but nevertheless it is a transaction that ought not to be repeated, for if established it would have affected the seat of Mr. Samuelson, assuming Ryder to be his agent. It is the true construction of this Act of Parliament, that if an act be done by an agent, that is, an agent for whom he is responsible, it will affect the seat of the candidate, although he himself may be entirely innocent of it.

I have gone through those cases of bribery, and I have only to call attention to what has been relied upon as to cases coming within the 49th section of the 30 & 31 Vict. c. 102, and that is with respect to the payment of rates. It has been proved that some person or persons did pay the rates of a number of voters. Five or six were called who proved that those rates were paid for them, and if it had been proved that Mr. Samuelson, or any person for whom he was responsible, had paid those rates, he would then have been guilty of bribery within the meaning of this 49th section. But, as I stated yesterday, there is not a particle of evidence that this payment of rates was done by Mr. Samuelson, and had the case rested upon that, and had there been no other evidence in the cause, I should have stopped my brother Sargood, upon the ground that there is no evidence that the person who paid those rates was Mr. Samuelson, or any person for whom he is responsible. The only evidence relied upon is, that in an envelope, which enclosed a receipt for Cooper's rates, there was enclosed a green card. Here is the envelope before me, and there is upon it the post-mark of the 23rd of September. That card has been very clearly traced. It seems that persons inimical to Mr. Samuelson got into the rooms where meetings were held, and it was desired to exclude them; and upon the 16th of September there was an order given to a gentleman who was called, a stationer in the town, to have cards prepared for the purpose of being given to persons to obtain admission to those rooms. His statement is that the order was received upon the 16th of September, and that for some days it was overlooked; and he is satisfied that the cards themselves were not delivered until a week or rather more than a week after the order was given. The order is contained in his book on the 16th of September, and a week from that would be the 23rd. The card is produced; it contains the name of the voter, John Baughan, upon it, with "T. R.," Ryder's initials, upon the back of it. Baughan certainly could not have received this before it issued from the stationer, and he tells you that he received it, and put it into his pocket, but what became of it he does not know; that he had no occasion to use it, because he was well known; that he was known to be an active supporter of Mr. Samuelson, and that he was admitted to the rooms where those meetings were held without the production of a ticket at all; but that he did get it, and according to the evidence he would get it about the 22nd or 23rd of September, and he cannot tell you what became of it. It would be an odd thing that, within a week after the order was given, there should be enclosed to this man, for no reason that I know, this green card, that was issued for a certain purpose. But I will give no opinion upon it, because I desire, as far as I can, to avoid casting suspicion upon the evidence of anybody. I think it is an extraordinary thing, but to say that this card is evidence that those rates were paid by Mr. Samuelson is quite ridiculous, and there is no foundation for it. And without entering into what is the meaning of the Act of Parliament, I am clearly of opinion that there is no evidence whatever to show that Mr. Samuelson had anything to do with the payment of those rates. And I may further say, that if there had been evidence of who paid the rates, or by whom they were paid, I should expect that further evidence would be necessary for the purpose of bringing it within this section. The money was paid obviously for the purpose of enabling the voters to be registered; it was sent to them for that purpose. But, in order to make the payment of a rate for the purpose of enabling voters to be registered affect the election, you must prove that it was done corruptly; that it was done thereby to influence their votes, which in my judgment means to induce them to vote for the person on whose behalf the payment was made. That is my idea of the true meaning of this Act of Parliament, and as I am of opinion that there is no evidence that Mr. Samuelson was the person paying those rates, that part of the case entirely fails.

I am, therefore, of opinion that Mr. Samuelson was duly elected and returned; that he was not guilty of bribery or treating, or any undue influence in respect of those matters that are alleged. I believe that on the part of Mr. Samuelson this was an honest and pure election. I have not the slightest reason to believe that bribery was practised by him at all in regard to it. I shall make such a certificate to the Speaker, and add that which the statute requires me to add, that neither of the candidates have been guilty of bribery, and that there is no reason to suppose from any evidence adduced before me that bribery or corrupt practices existed in this town; and I should be sorry if any act had been done by an indiscreet agent which would have had the effect of depriving Mr. Samuelson of what I conceive to be a seat fairly and honestly won. The costs will follow the event.

COVENTRY ELECTION.

JUDGMENT delivered by Mr. Justice *Willes*, 20 February 1869.

Coventry.

Mr. Justice *Willes*.] THIS is a Petition presented by several gentlemen who were voters at the last election for this city, praying that the return of Henry William Eaton and Alexander Staveley Hill, as Members to serve in Parliament for the city, should be declared to be null and void, and the various grounds are stated in the Petition, and amongst others one is stated specially, in the 4th clause of the Petition, in the following terms:—"An alleged corrupt payment by Mr. Hill to procure his election and return to Parliament, and the same by Mr. Eaton to procure Mr. Hill's return." It is stated that "Mr. Hill did corruptly pay certain sums of money for and on account of procuring his election and return to Parliament." That statement is the first of the two in the 4th clause, which then proceeds to say that the said Henry William Eaton did corruptly pay certain sums of money for and on account of procuring the election and return, not of himself, but of the said Alexander Staveley Hill to Parliament. The Petition besides alleges various acts of bribery, and it alleges corrupt treating by the Members.

I think the corrupt treating must be considered out of the question—not because the charge is not a serious one; not because if it be made out that there was an appeal to people's appetites to procure the election of the Members from their love of eating and drinking, instead of from their free-will in the exercise of a choice of Members to represent them in Parliament, the election ought not to be void; and not because it is not a just and wise and a reasonable and beneficial law, in order to secure purity of election, that the candidates should be responsible for the acts of their agents, whom they have put in their place, as well as for their own acts, but because the treating which has been proved has been treating of a sort quite consistent with a total absence of corrupt or unfair design on the part, either of the Members, or of any person who represented them. As an instance may be taken that supper, at which I should conclude that the meat was supplied by Mr. Kilbey, and that the drink was paid for by contributions amongst those who were present, some giving more and some less, each, probably, according to his capacity, and which turned out to be a supper some time before the election, having reference to it, no doubt, but only because it was a supper held in celebration of the efforts of the Tory party at the registration; it was a supper at which Tories supped, and it was a supper at which Tories paid. It was a banquet, or entertainment, in pursuance of the old habit of the race from the earliest times of which we have any account, to meet and feast over any occasion upon which a labour in which they have been engaged, has been brought to what they consider a successful end. Eating and drinking are to go on, notwithstanding an election coming, in the ordinary and usual course. When that eating and drinking takes the form of enticing people for the purpose of inducing them to change their minds, and to vote for the party to which they do not belong, then it becomes corrupt, and is forbidden by the statute. Until that arrives, the mere fact of eating and drinking, even with the connection which this supper had with politics, is not sufficient to make out treating. Indeed, it was quite right of Mr. Leigh, when he found the sort of evidence that was being given, and that it was quite consistent with no wrong motives on the part of those men, whoever they were, who paid for the eating and drinking to which his evidence pointed, to say, as he did at last, that he could not make out a case of criminal treating within the statute. No such case has been made out.

Then the Petition also alleges, as I have stated, bribery; and with respect to bribery, as well as with respect to treating, I shall ever hold it to be a wise and beneficial rule, I may say, certainly in my view, quite apart from "The Corrupt Practices Prevention Act of 1854," a wise and beneficial rule of constitutional law, that, for the purpose of securing purity and freedom of election, candidates shall be answerable for the acts of their agents, as well as for their own acts, and that a person can no more claim to be a Member of Parliament for a place as the result of an election, in which his agent has been guilty of bribery, than a person can fairly claim a prize if the person whom he employs to ride his horse, or to steer his vessel, has been guilty of foul play in the course of his employment.

The questions, therefore, with which it is necessary to deal are, first of all, whether, in point of law, the treaty, as it has been called, entered into between Mr. Eaton and Mr. Hill, by the letters of the 14th and 15th of October of last year, was a treaty which

Coventry.

proves the 4th allegation in the Petition, and which does of itself amount to that special sort of bribery which is provided for by the 3rd clause of the 2nd section of "The Corrupt Practices Prevention Act of 1854," in the first place; and next, whether the Petitioners have succeeded in establishing any of the cases, either of actual completed bribery, by the giving of money or goods, in order to corrupt the minds of voters, or by promising benefits to such voters, with a view to induce them to vote for Mr. Eaton and Mr. Hill, or to abstain from voting against them.

The first question is one, undoubtedly, of much novelty. It is one which has been present to my mind now for some considerable time; ever since the letters were put in. It may be, and I cannot conceal from my mind that it is, one of difficulty, the decision of which imposes upon the judge who sits here, and who is bound to decide it, as it appears to me, upon the spur of the occasion, it being one involving a question of fact, as well as a question of law, of very great responsibility, and I need not say very great anxiety. But in this, as in so many points which arise, both novel and difficult, in these inquiries, it has pleased the Legislature to say, after mature inquiry, and I have no doubt with greater wisdom than that of those who desired that the House of Commons should retain its ancient jurisdiction, that the matters, however important they may be, arising here shall be entrusted to the decision of a single judge, and although there is a power by which the judge may abstain from pronouncing an immediate decision, under the 11th section of "The Parliamentary Elections Act, 1868," by reserving a question for the Court of Common Pleas, I feel the greatest difficulty as to the form in which a question of this kind can be reserved, and I entertain so strong a distrust of the working of the section enabling me to reserve points for the opinion of that court, when they involve, as it appears to me this question does involve, a question of fact as well as a question of law, that I believe it is better I should assume the responsibility of at once stating what my own opinion is upon it, than to reserve it at the risk, which I feel is a serious one, of its turning out in the end that the court decline to pronounce an opinion upon the question, not being one of pure law, whereby the parties may be again immersed in expensive litigation, and an inquiry may have to be renewed here—renewed because I had abstained from pronouncing an opinion at the time at which alone, if I do pronounce one, I am to pronounce it, namely, "at the conclusion of the trial," which time has arrived.

On this question, therefore, it is necessary first to decide, and in order to decide it, I must shortly refer to the facts by which it is introduced to notice. It appears that Mr. Hill had been defeated in a contest with Mr. Carter, in, I think, March in last year. Mr. Carter and Mr. Eaton, or to put them in the proper order (I mean the proper order of seniority as they then stood), Mr. Eaton and Mr. Carter, were the Members for the city. Mr. Hill, having paid the expenses of his contest, was called upon after a certain period had gone by to pay the further sum of 800*l.* in respect of expenses which to my mind present all the appearance of having been expenses illegitimately incurred in the contest of March 1868. They were expenses which Mr. Hill considered himself bound in honour to pay, and I sit here as a judge of law, and not of honour; and I therefore make no remark on that statement, I simply pass it over by saying that that was Mr. Hill's reason, and I fully believe him when he gave that reason, for paying the expenses; whether I may agree with him or not in thinking that it was incumbent upon him in point of honour to pay expenses which, if his view of them is correct, were improperly incurred by people who indulged in extravagance at his expense, in the sense that they hoped that when the election was over he would repay them what they never ought to have expended, upon the supposed principle of honour upon which in July 1868 he did pay those expenses. Therefore, certainly the consideration of this part of the case leads to the conclusion that the contest in March 1868 was accompanied by that which has endangered the return of Members elsewhere, and which no doubt would have endangered, if it had not defeated, Mr. Hill's return, supposing he had been returned at the election in the spring of 1868, because the expenditure of such a sum as that in an illegitimate way of course requires strict explanation; it requires explanation at the hands, not only of Mr. Hill, who, I have no doubt, could have completely explained his part of the transaction, but of every agent concerned in that election. I mention this circumstance, not irrelevantly, because it has had considerable effect on my mind in two points of view; but at present I am only dealing with it in reference to the allegation in the 4th clause of the Petition; I have no doubt that when this Petition was filed, the view of the Petitioners was that which has been pointed out by the counsel for the Respondents. I have no doubt that the intention of that 4th clause was to assail the return of Messrs. Eaton and Hill upon the ground that there had been the payment of 800*l.* for expenses illegitimately incurred in respect of the election of March 1868, for the purpose of stopping the mouths of those who claimed to have the 800*l.* due to them, and of influencing the election of November by so stopping their mouths; and I have equally little doubt that if that had been proved (speaking of course with all the reserve with which one ought to speak in expressing an opinion on a point of law, which, though called for, is given as a passing comment without hearing argument), the payment of such a sum as that by way of illegitimate expenses to people who no doubt were voters of the borough, and had the means of influencing voters of the borough, with a view to stop their mouths, and to induce them either to assist Mr. Eaton and Mr. Hill at the election of November 1868, or to induce them not to oppose because of their unlawful claims having been satisfied, would have made the election of Messrs. Eaton and Hill void. Upon that question I do not entertain a doubt, and

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I should feel bound to express my opinion even if I did entertain a doubt, because it is relevant to the subject; I think that was the view that was intended to be taken by the Petitioners. In that point of view the Petition has failed, because it turns out that in fact the payment into the Coventry Union Bank, at which the account was opened for the election expenses of November, was not a payment, either by Mr. Hill or by Mr. Eaton, for the purpose of satisfying the claim of 800*l.* directly to the publicans, or whoever they were who had run up the bills, nor for the purpose, as suggested, of repaying some person who for Mr. Hill's credit had himself paid, or had raised the sum at the bank in respect to which he had become security. It is quite clear to my mind now that that was not so. There was an account open at the bank; there was a sum of 1,100*l.* paid in, 500*l.* in the first instance by Mr. Eaton, and 600*l.* afterwards by, I say shortly Mr. Hill, through his friend Mr. Gray, which 600*l.* was immediately repaid to Mr. Gray by Mr. Eaton, making, in fact, the payment of 1,100*l.* into the bank, which I think took place on or about the 27th of October, a payment in substance made by Mr. Eaton alone, the payment of 600*l.* by Mr. Gray, as representing Mr. Hill, being a payment only made to give the appearance that Mr. Hill was bearing his share of the expenses of the contest which was then going on with reference to the election of November, and that to prevent observations that might have been made if the 1,100*l.* had all been paid in by Mr. Eaton; I think that is the true construction of the evidence as to the payment into the bank. Of course that looked strange, coupled with the fact, without the date, of the 800*l.* having been paid. When, however, Mr. Hill was called he gave an explanation, the truth of which has not been disputed, and cannot for a moment be questioned, and which shows that the manipulation of the 1,100*l.* had no connection with the payment of the 800*l.*, because it appears that Mr. Hill, though he did not pay the 800*l.* at first, did not do so because of a reason which prevented him from attending to business, which appears to have been quite satisfactory to the learned counsel on both sides, and I have no doubt was a reason which ought to have been entirely satisfactory to them. He appears to have intended from the beginning to pay that 800*l.*, and he did pay it in July 1868. At that time he had no intention of standing for the city again. He does not appear to have had any intention of entering into Parliament at a future period, either for this city or for any other place, certainly not for this city; and looking at the correspondence in the month of October following, taking that in connection with the evidence of Messrs. Eaton and Hill, the just result to arrive at as to the period at which Mr. Hill changed his mind as to not standing again, and made up his mind to come forward as he ultimately did at the election in November, at which he was returned, is, that it was some time in the month of October, some three months therefore after he had paid the sum of 800*l.* Putting those facts together, the result is obvious, I need not say, I think, because the result is obvious to anybody who examines the facts, that the payment of 800*l.* in July 1868 was made by Mr. Hill himself out of his own pocket, without any communication with Mr. Eaton, and without any intention upon his part of again standing for the city, and that what took place between Mr. Eaton and Mr. Hill, expressed by the letters of the 14th and 15th of October, to which I must next refer, had nothing to do with the payment of the 800*l.*

For these reasons, as I have said, that which I have no doubt was in the mind of the Petitioners, when the 4th clause was inserted in the Petition, does seem to have entirely failed of proof, and to have been negatived.

It has, however, been argued by the learned counsel for the Petitioners (who has conducted this case with an ability and with a spirit worthy of the best days of advocacy), and he was entitled to do so, that notwithstanding the intention, so to speak, of the 4th clause of the Petition has been frustrated, yet that evidence has come out in the course of the case of the Respondents themselves which sustains the averment in another and a different sense, and that argument he founds upon what has been called the treaty, which I must next consider. That treaty in sum and substance is, that Mr. Eaton endeavoured to induce Mr. Hill to come forward; he was anxious that he should stand with him. Mr. Hill did not wish to come forward, and he appears not to have consented to come forward until Mr. Eaton consented to bear the expenses of the approaching contest, both his own and Mr. Hill's, and in the letter which constituted that agreement there was inserted a clause which is nothing more than would have been implied, from the fact of those gentlemen joining forces, and agreeing to contest the city in the same interest,—that they should be faithful to one another. It was not a case in which they were to stand independent of one another; it was a case in which each made the other his agent, and the agents of the other his agents, and in which they agreed to stand by one another; an agreement which they carried into effect by stating, as they did on their canvass, that they respectively did not wish for a vote for one which was not given to the other. Very few votes appear to have been given for one which were not given for the other. The numbers ran 3,781 for Mr. Eaton, and 3,761 (a difference of only 20) for Mr. Hill. No such agreement, in so far as the pecuniary part of the transaction is concerned, existed between the opposing candidates, and their numbers appear to have run 3,594 and 3,576 respectively—a difference of only 18.

Now, is that agreement in itself illegal, as a matter of law? It is insisted that it is in itself illegal, under the terms of the 3rd clause of the 2nd section of the 17 & 18 Vict., c. 102, "The Corrupt Practices Prevention Act, 1854," by which it is enacted that "every person who shall directly or indirectly, by himself, or by any other person on his

Coventry.

behalf, make any gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in Parliament," shall be guilty of bribery. Therefore anything, great or small, which is given to procure a vote, would be a bribe, and if given to another to purchase his influence at the election, it unquestionably also would be a bribe, and would avoid the election. It would be bribery in the case of the person who gave, and in the case of the person who received, the benefit; and if Mr. Eaton had agreed to give Mr. Hill 5*l.*, I might say a farthing in point of law, if he agreed to give him anything, if only a peppercorn, for the purpose of purchasing any influence which Mr. Hill had with the electors of Coventry, and of advancing Mr. Eaton's interest as a candidate at the election, it would have been bribery, and it would have avoided the election. The question is, whether an agreement by one candidate to pay the expenses of another, is or not a bribe.

Before referring to the facts, I must conclude the statement of the law, because at the conclusion of the 2nd section, there is this proviso, which it appears to me has a distinct bearing upon the question:—"Provided always that the aforesaid enactment shall not extend, or be construed to extend, to any money paid or agreed to be paid, for or on account of any legal expenses, *bonâ fide* incurred at or concerning any election." I am quite sure, and it ought to be thoroughly understood, that that relates to the expenses of the candidate; that it does not relate to the expense of any other person, and (as I shall have occasion to observe by-and-by) it does not relate to the expenses of voters. To pay the expenses of voters, on condition of their voting or abstaining from voting, is unquestionably bribery. But the candidate may pay his own expenses, and the candidate may, paying his own expenses, employ voters, and although, since "The Representation of the People Act, 1867," section 11, which forbids voters who are employed for money to vote at an election (and which was no doubt intended, though unfortunately it has not prevailed, to prevent the arising of questions which were so often agitated, and continue to be agitated, as to the colourable employment of voters, giving them work, and making payments to them exceeding the value of the work, or pretending to employ them to do work, and then giving them money for not having done it)—although since that section voters who have received employment cannot lawfully vote, it must not be supposed that I entertain a doubt, that under the 38th section of "The Corrupt Practices Act, 1854," the voter would still be a person who claims to have a vote, though it would be a misdemeanor to give it, and though it would be liable to be struck off on a scrutiny. To avoid mistake as to what I am about to say as to the effect of that proviso at the end of the 2nd section, I may say that the effect of that proviso has been very much considered in those cases where that course has been pursued, which appears to have been adopted in this city; that is to say, the city or borough is divided into districts, and committees are formed amongst the voters themselves of selected persons, to go about and traverse their portions of the district, and in some of those cases, as I believe was the case here, though the matter was not gone into, I presume it was the case here, because no opposing case has been brought to my notice, in some of the cases where the system has been resorted to, the committee and canvassers have not been paid for their services; in others, the canvassers have been paid for their services. And unquestionably, if the 3rd clause of the 2nd section, to which I have referred, was to be taken in its literal terms, the payment to canvassers under such circumstances, being a payment in order to induce them to procure votes by means of their canvass, would fall within the terms "in order to induce such person to procure," "or endeavour to procure," (which would be still more applicable to the employment of canvassers,) "the return of any person to serve in Parliament, or" the clause goes on, "the vote of any voter at any election."

Now, here is a test supplied of the meaning of the 3rd clause. Was it intended to do away with every payment made by a candidate in the course of his election, to a person who might happen to be a voter, for his work, in the way of taking round advertising boards, of acting as a messenger with the state of the poll, or of keeping the poll booths clear, so as to enable voters to get up to the poll, or such like practices which have been resorted to without objection, where the employment of the voters in those various services was not colourable, and that even before "The Representation of the People Act, 1867," section 11, to which I have already referred. But to come more nearly to this case; it affords a test of whether the 3rd clause was intended to prevent every payment to a person who was to assist the Member in obtaining the election, and in procuring votes at the election. I shall not refer to any of the cases in which the first question has come before Election Committees; they are quite familiar to those who have paid any attention to the subject; and inasmuch as I have had occasion to cite them elsewhere, in judgments which are before the House of Commons, I do not think it necessary to refer to them again. But with respect to the latter class of cases, that of canvassers employed to procure the votes of voters within the literal terms of the 3rd clause of the 2nd section, I must take leave to refer to the Lambeth case, which is reported in "Woolferstan and Dew's Reports," and is a case to which I attach considerable importance, because the matter was there very much considered, and it was considered under the chairmanship of Mr. Ingham, the Member for South Shields, a gentleman of known good sense, and of much legal experience; and it was held, that the system (which was adopted in this city)

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of dividing the borough into wards, and forming committees among the voters, and employing them to send out canvassers was not objectionable, notwithstanding that there was a payment made to the canvassers for their services in canvassing. It is hardly necessary to point out how exceedingly dangerous the adoption of that system is, both in respect of the payment of canvassers, and also in respect of that which has been held lawful, namely, the supply of fair refreshment to canvassers who have not been paid whilst engaged actually and not colourably, upon work, and, in like manner, refreshments provided to committee-men. It is proper, whenever this system is referred to as not being unlawful in itself, to say that it exposes Members to very great danger, and that whenever it is merely colourable it would void the election. I refer to these cases for the purpose of showing that it is not every payment for the purpose of procuring a vote that can be held to be within the 3rd clause of the 2nd section. I do not treat the cases of canvassers as presenting any close analogy to the case of a colleague in a contest for a city. Of course even the most distant comparison would be a comparison of great things with small, but it is necessary first to ascertain the construction of the clause, to ascertain whether it is to be taken in its literal sense, and, if not, to determine what is its proper application to the case in hand. Its proper application to the case in hand, as it appears to me, is this, that the payment to be made under the 3rd section must be a payment for the purchase of influence; it must be a payment made under the circumstances referred to by Mr. James in his reply, a payment to some person who has influence in a place in order to purchase that influence; it must be a payment, or gift, or loan of something valuable to him in consideration of his lending his influence or his countenance in the election. As it appears to me, it is not an offence within the 3rd clause for a candidate to bring forward another person to stand as his colleague, he himself being (I will use at once the word that comes into my mind) a monied man and a party man, a man who does not care to spare his money in the interest of his party, who desires to have some person to stand with him in order to advance the interest of his party, and who is satisfied to pay the legitimate expenses of the election of himself and of the other candidate whom he desires to bring forward with such a view. You must show an intention to do that which is against the law, before you bring the case within any of those highly penal clauses of "The Corrupt Practices Prevention Act, 1854." And forming the best judgment I can, and confessing with an almost painful feeling, my insufficiency to decide off-hand any grave constitutional question, even after the anxious deliberation which I have bestowed upon this, I must pronounce my opinion, as I entertain it, that to bring forward another candidate under such circumstances, without a view to purchase his influence, with the intention of serving a man's party, and because he does not mind spending his money upon the legitimate expenses of the election of himself and of the other candidate, with the view only to serve his party, and not with the view to purchase influence for himself, does not fall within that 3rd clause to which reference has been made.

Now I have endeavoured to give my opinion upon the law, as it is my duty to do, and I wish I possessed greater power of expressing it clearly, in order that it may be criticised, and if wrong overruled, and if injurious set right by future legislation; and that is the opinion at which I have arrived upon the question of law.

It is obvious, therefore, that the only question remaining with reference to the effect of the treaty upon the return of the Members in this case is one of fact, namely, whether the compact which was entered into in October, between Mr. Eaton and Mr. Hill, was a compact having for its object to purchase Mr. Hill's influence in the city, because if it was I agree, even without the authority of the case to which Mr. James referred, upon which if I had considered it a question of authority, though I have entire trust in the accuracy of Mr. James, quite as much as if I had examined the matter for myself, still, in the discharge of my duty, I should have thought it necessary to send for the authority referred to by Mr. James, and to examine it before I acted upon it; but quite apart from any authority, I can conceive that "Legal expenses, *bonâ fide* incurred, at or concerning any election," in the proviso to the 2nd section, would not include the expenses of another candidate at that election, if they were paid for the purpose of purchasing influence. The question of fact, therefore, remains whether the payment was made for the purpose of purchasing influence. This makes it necessary that I should consider the position of Mr. Hill with reference to the city. It has not been suggested, that I can recollect, or find in the evidence of either of the Members, that Mr. Hill was a person who had any local connection in the way of birth or inhabitancy, or property in the city. I do not think it was suggested that he had any influence to purchase in respect of any of those local causes; he had nothing to sell in that respect, and, therefore, no one ought to charge upon Mr. Eaton, apart from his mercantile experience, the intention of buying of Mr. Hill that which Mr. Hill had not to sell. Mr. Hill had stood at a former election for the city; he had stood against Mr. Carter, and he had been defeated by a majority of 288. He had been defeated by a considerable majority of the old constituency; he had been defeated under circumstances which more or less disheartened him, and which determined him not to come forward again. He had paid the 800*l.* under the circumstances already explained, not with a view to coming forward again. If he had done that, if it could be fairly charged against him, that he had paid illegitimate expenses with a view to coming forward again and being returned, a very different construction might have been placed upon, and a very different credit lent to, his statement that he paid the 800*l.* worth of bills of illegitimate expenses as a matter of honour. But referring again to the

Coventry.

correspondence of October, and taking the statement of Mr. Hill, as everybody seemed disposed to do, and as I am prepared to do, and do, the payment of 800*l.* was not a purchase of influence on his part, and, therefore, you have to consider whether Mr. Eaton in October did what he did, and Mr. Hill assisted him in doing what he did, in purchasing Mr. Hill's influence, or the assistance which his influence would enable him to lend. It is difficult to distinguish between influence and assistance at this part of the inquiry under the circumstances to which I have referred, apart from Mr. Hill's unsuccessful contest for the city, apart from his unsuccessful contest in March, and apart from his payment of the 800*l.* of bills, which has been already, I think, sufficiently eliminated from the proper elements of decision as to the intention of these gentlemen. The inquiry—Was it a purchase of Mr. Hill's influence? Was it a purchase for Mr. Eaton's individual advantage in the contest? Was the agreement entered into by Mr. Eaton with the selfish view of aiding himself by that influence? or was what he did fairly to be explained by a desire to serve his party, without regard to any influence of Mr. Hill?—ought, as it appears to me, to be answered under these circumstances, and upon these facts, in favour of the purity of intention of Mr. Eaton. I must conclude that I express no opinion whatsoever, and I desire to express none, upon the propriety of such an arrangement, but it must be quite obvious to anybody who will cast his mind back upon the history of Parliament—I speak not of the history of Parliament in a party-political point of view—I have abstained, and shall abstain, with all my might, from any observations having such an aspect whilst I sit in this place; but looking back at the history of Parliament as part of the history of the country, I think it must be obvious, even without referring to books which are not of authority in courts of law, that many persons of brilliant abilities, and who have been of very great service to the country, have been unable to pay their own expenses, and have been brought in at the expense of others, and that is so notorious that it confirms the opinion that I form upon the true construction of the 3rd clause of the 2nd section of “The Corrupt Practices Prevention Act, 1854,” taken by itself. I come to the conclusion that the fair payment of the expenses of a Member if he will stand, does not of itself constitute an illegality under the provisions of the Act to which I have referred: it constitutes a case calling for, and which has here received, a full inquiry. There never was a case more thoroughly discussed at the Bar, or more ably. I know that it has received full justice at the hands of the Bar, and it has received at mine such deliberation as I have been able to bestow upon it, and a decision conveyed in terms as distinct as I am able to pronounce myself in.

It now becomes necessary to discuss the remaining causes for which the Petitioners claim that the election should be declared void; and here the duty which is to be discharged is one of an exceedingly anxious and painful character—rather anxious and painful, I think, than difficult; because, with respect to the greater number of the cases which have been brought forward, they do not admit of being decided upon gloss or construction of the evidence; it will be necessary to state flatly, with respect to more than one of them, whether I believe witnesses who have positively sworn in the affirmative, or witnesses who have positively sworn in the negative.

In the first place, however, I think that it would be proper, before coming to those cases to which that remark more properly applies, to discuss the cases in which it will be necessary to put a construction on the evidence, and to apply the law—cases as to which, in the result, balancing the evidence upon the one side and upon the other, I entertain but little doubt as to the facts, and can entertain none at all as to the law; indeed, as to that, no doubt has been suggested.

I shall first deal with the Leicester case; and, with respect to that, the law may be shortly stated thus:—Before the case of *Cooper against Slade* (6 House of Lords Cases, 746), which was decided in the year 1858, a doubt existed as to whether, under the law as it then stood, the travelling expenses of out-voters might be paid—I speak now of out-voters who have a right to vote by reason of their residence continuing—whether the travelling expenses of out-voters might or might not be paid, and whether the promise to an out-voter to pay him if he came up and gave his vote for a particular Member, or to pay him his expenses of going back to his place of residence, if it happened to be in the place of polling, in order that he should not vote, whether the payment of expenses in any form—whether in the former, which has been called a mild form of bribery, or in the latter, which would be a point-blank piece of bribery—was illegal, and illegal by reason of its being a promise of money within the 1st clause of the 2nd section of “The Corrupt Practices Prevention Act, 1854,” a promise to give money, “in order to induce any voter to vote or refrain from voting”; and the result was, it was decided in that case of *Cooper against Slade*, that such a promise is illegal—a promise to a voter, whether he be really entitled to vote or not, who happens to be out of the place at the time of the election, a promise to pay him even his bare expenses if he will come up and vote for a particular candidate, was decided by the House of Lords to be illegal in the case of *Cooper against Slade*. That led to a discussion as to whether or not it was just that a Member should be debarred from the payment of the bare travelling expenses of the voters, and it was insisted that there was nothing unjust in it; that the voter ought to be enabled to vote, and as he gained nothing by the payment of his travelling expenses, they ought to be allowed to be promised him, and paid him. That was answered by an argument which has prevailed, and which expresses the law—that the danger of allowing promises or payments of travelling expenses to voters

voters being made a colour and cloak, and of paying them more than they are entitled to in respect of such travelling expenses, is so great, that they shall and they do continue to be forbidden by the law. And in the August of the year in which the decision in *Cooper v. Slade* was given, it was enacted by the Legislature, by a section of the 21 & 22 Vict. c. 87, which must be taken as distinctly recognising the decision in the case I have referred to, "that it shall be lawful for any candidate or his agent to provide conveyance for any voter for the purpose of polling at an election, and not otherwise; but it shall not be lawful to pay any money, or give any valuable consideration to a voter, for or in respect of his travelling expenses, for such purpose." Therefore, it is lawful, under that Act, for the candidate to give a voter a lift in his carriage to the poll, but it is not lawful for the candidate or his agent to promise a voter his travelling expenses if he will come up and poll, or to pay him his expenses afterwards, if that payment is made corruptly, within the provisions of the Corrupt Practices Act, as to payments after the vote in respect of having voted. So stood the law until the passing of the Representation of the People Act of 1867, which by the 36th section enacts that "it shall not be lawful for any candidate, or any one on his behalf, at any election for any borough," except certain boroughs, which are excepted because the constituencies are scattered (being more like counties than boroughs, amongst which the city of Coventry is not included), "to pay any money on account of the conveyance of any voter to the poll, either to the voter himself, or to any other person; and if any such candidate, or any person on his behalf, shall pay any money on account of such conveyance," then the payment is to be considered illegal; not that the payment is to be considered to avoid the election, if made to a third person not a voter, and not to induce a voter to vote—though such a consequence would follow if the promise were made to a voter—but that it shall be unlawful to pay any money on account of conveyance, either to the voter, or any other person.

It has appeared to be necessary to recite these sections, in order that the law should not be misunderstood; or rather, if I be mistaken, that there may be the means of exposing any mistake which I shall have made, and of preventing the recurrence of like mistakes for the future by proper legislation—an object which I have had in view in many of the statements which I have thought it my duty to make in the course of these inquiries, the more especially as there is no court of appeal from the decisions which are here pronounced.

So far with respect to the law as to persons who have a right to vote, though they happen not to be in the place of election at the time of the election.

There is, however, another head of law which I must dispose of, and upon which I must refer to the sections in point, before proceeding to the consideration of the question of fact. I shall shortly refer to the Reform Act of 1832, section 27, with respect to ordinary voters in boroughs, and section 32, with respect to freemen in boroughs; both those classes being included in the number of those persons whose cases come under consideration. It is provided by that Act, that in order to be placed upon the register a person must have been resident upon the 31st of July, and for the six months preceding. Then there are subsequent enactments, which I may dispose of with this statement, that a provision is made by which lists are to be framed of persons so entitled to vote, and by which those lists are to be revised by competent persons, with reference to the qualification, including that of residence during the six months ending the 31st of July in each year; provision is made especially by the Act of 6th of the Queen, chapter 18, and other Acts, to which I need not refer here. The duty of the person who revises, with respect to the residence is discharged and fully satisfied by inquiring as to the right up to the 31st of July, and, with reference to the continuance of the right of the voter at a subsequent period, a question which was formerly put as to whether the qualification continues, is not now put, in consequence of an enactment which I only thus notice in passing.

Then, by the 79th section of the 6th Vict. c. 18, it is enacted, that "no person shall be entitled to vote at any future election for a Member, unless he shall, ever since the 31st of July in the year in which his name was inserted in the register, have resided, and at the time of voting shall continue to reside, within the city, &c." Therefore, it is clear that with respect to persons who have ceased to reside after the 31st of July, they are not entitled to vote at the election. I have stated elsewhere my opinion with reference to such a person voting, and I repeat it (my opinion has not yet been pronounced with reference to any other case within the 79th section), that a man who ceases to reside, that is, has given up connection with this city, for instance, and gone off and taken up his residence elsewhere, leaving behind him no wife, or household gods in this city, for which he intends to return, who cannot fairly be said to retain a residence in this city, but has entirely removed his residence elsewhere beyond the city, and the statutory seven miles which are considered as part of it for the purpose of residence; I say that that person, knowing the law, and coming here to vote, even if there were no remedy, which I think there is, in the event of his doing that which by law he is not entitled to do, has done an act which is unjustifiable in point of fairness and honesty. If he does not know the law, or if he is in doubt about the fact, I should say nothing about his honesty; but if he does know the law, and does know the fact, I say that that man, in voting, does an act which cannot be maintained in point of honesty, as it certainly cannot in point of law. There is a provision in the 98th section of that Act, with reference to persons to

Coventry.

whom objection has been taken before the Revising Barrister, upon whose case the Revising Barrister has pronounced; if no objection has been taken, and he has pronounced no express decision, the committee, or the judge sitting here, cannot, even on a scrutiny, go into the question of qualification. If an objection could not have been made before the Revising Barrister, then, in respect of such an objection arising afterwards, it appears to me that it comes clearly within the expression "legal incapacity at the time of his voting," which might be inquired into by an Election Committee, and which may now be inquired into by a judge; and such was the decision in the Cambridge case, reported in "Woolferstan and Dew," page 45. It is proper, however, to mention, indeed it would be quite uncandid not to mention, that the very same committee, singularly enough, at page 50, appear, according to the Report, to have had before them the case of a person who had not resided during the six months ending upon the 31st of July, and with respect to such a person, inasmuch as the committee said an objection might have been taken before the Revising Barrister, and was not taken, they declined to go into the case of his not being resident after the 31st of July, upon a ground which seems to me, I own, of a good deal of subtlety, namely, that there was no cessation of residence after the 31st of July, but that the cessation of residence was at a period at which it might have been inquired into by the Revising Barrister. I shall always speak, I hope, with the greatest respect, and quite a sincere one, of the decisions of Election Committees, and especially after a laborious study of the reports of as many of them as I can find in the books, the mass of which, both as to practice and as to decision, though I cannot say so of all, certainly is characterised, as it appears to me, by strong good sense, and also by a legal perception, upon the whole, hardly to be expected from bodies formed as Election Committees were. But speaking with reference to the decision in the second Cambridge case, I cannot myself, looking at the 79th section, say, if I were to put my own construction upon it, I should not have come—I think I should—but I say no more upon it, because I am told the question is before the Court of Common Pleas, in the Salisbury case; I think I should have come to the same conclusion in the second case, at page 50, which the Committee came to in the former case, at pages 45, 46, in which the Committee resolved that non-residence was a legal incapacity, no doubt referring to the terms of the 98th section. It should be added, that as the sections affecting residence, including the 79th of 6 Vict. c. 18, are expressly modified as to London only by the 46th section of "The Representation of the People Act, 1867," the 79th section is impliedly repeated and re-enacted by that Act, as to all other places, including Coventry.

I have delivered myself of whatever knowledge of the law upon this Leicester case, and other cases of out-voters was in me, and I must proceed to deal with the facts. Given, that it was lawful for the Member, in the terms of the statute, the 21 & 22 of the Queen, to provide conveyance for the out-voters; given that it was not lawful for the Member to promise, as was proved in the case of *Cooper v. Slade*, to pay the expenses of out-voters, should they come up; given that it was not lawful for the Member or his agents to pay the expenses of out-voters; and given also, as I think must be conceded, that the payment of expenses shortly after voting, traced to the agent of the Member, would be such pregnant evidence of a promise to the voter, as that such a promise ought to be inferred, unless the other circumstances of the case excluded that conclusion; was there, in fact, such a promise, or was there such a payment? I cannot do as I was asked to do in the reply, select one of these cases, and deal with it by itself, and say whether, if it stood alone, I should come to the conclusion that there was a payment; and next infer from that a previous promise, and then argue from that to the character of all the other cases. I think that would be reasoning from the particular to the universal in a very objectionable form. I think, on the other hand, that when dealing with the evidence, if you found that in a great or any considerable number of cases which have been brought forward there was evidence of payment, though you might not be satisfied with that evidence if those cases stood alone, yet you might fairly pray in aid other cases in which there was distinct evidence of payment, and, upon the whole, come to the conclusion that there must have been promise of payment in some. Further, however, as a third remark upon a question of fact, and here I am dealing purely with the question of fact, which anybody of education in court who has heard the evidence is quite as competent to judge of as myself, I think it must be conceded that if in a great number of these instances, in which it is alleged on the part of the Petitioners that a promise of payment, or a payment was made, such promise and such payment are disproved, great caution ought to be exercised with reference to payments as to which evidence has been given in the smaller number of cases; because you have here established, as it were, not only an intention that there should be no payment made, and no promise given, but a habit in reference to the election, that there should be no payment made or promise given, and it was unlikely, therefore, that any person connected with the Members (who had themselves assumed that habit, and enforced it upon their followers), in a shape to bind them by his agency, should have made the payments which in the lesser number of cases there is evidence were made.

Now with these strands to form a clue, such as it is, through the evidence, what course ought one's mind to take? I will take the Leicester case, which was properly put forward as the strongest, upon which the most distinct evidence was given upon the part of the Petitioners, the evidence given upon the part of the Petitioners being such, that had it been unanswered, I do not hesitate to say, I should have come to a conclusion quite satisfactory to my mind, that there was a conditional promise to pay, and a payment. A

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Coventry.

number of men, two or three and twenty (as to some of whom I have the strongest impression that they were persons who came to vote, and to share in that which ought to be the inheritance of the residents of the city, and came to do so improperly, bearing in mind the provisions of the 79th section), came over from Leicester to vote. They had previously met at the "Talbot Inn," where no doubt the plot, I will call it, if it were illegal, and plan, I will call it, if it were lawful, was formed. They had set out in the dark, from the neighbourhood of Leicester, under circumstances in which it appeared that they were desirous to escape observation. They had been brought over, and set down out of Coventry, at a place where also they might escape observation, and they had polled; and two or more of them afterwards applied to a person named Kilby, who was an agent of the Members returned, they applied to Mr. Arthur Seymour as an agent of the Members returned, and they applied to a Mr. Burrows, at Leicester, who was in communication with an agent of the Members returned, and they pressed upon these persons a demand for payment for their expenses, or for their loss of time. They were not very distinct (one could not expect it from them) as to the precise form in which it was to come, but it was to be payment in respect of their having joined the expedition, and having come over and voted at Coventry. Moreover, it is clear to my mind (whatever may have been the misconduct of all these men in the witness-box, and very grave it was in respect of each of them in any view of the case), that these men did, from what passed at the "Talbot Inn," come to the conclusion that they would be paid their expenses if they came over; that it would be "made sufficient" for them, or that it would be "made right" for them. They hoped it, they wished it, they expected it. Whether they would have come and voted if they had had no such wish or expectation, it is hardly necessary to consider; whether their enthusiasm would have evaporated if the prospect of getting something for coming over had been shut out, it is unnecessary to consider. Perhaps it would as to some, perhaps it would not as to others. However, they did unquestionably expect it.

I need only refer to the letter and the telegrams, for I dismiss them by saying that the meeting at the "Talbot," and the bringing over of these men, was in consequence of a communication between Burrows, who met them at the "Talbot," and the agent of the sitting Members. Putting those facts together, if they were not explained, I think no man in his senses—that is no man of my mind in his senses—could arrive at any other conclusion but that there was some dark transaction which it was necessary to conceal; the result of which was, that the men were brought over under circumstances in which there was a breach of the provisions of "The Corrupt Practices Prevention Act, 1854," in respect of them, or some of them.

That being the evidence on one side, has that case been answered? I must say (and one must be forgiven for saying so in such a case as this) I firmly believe in the honesty of intention on the part of the sitting Members. It is not likely that persons of education and intelligence like Mr. Eaton and Mr. Hill, if they were corrupt enough to break the law, as they must both have known they were doing if they set on foot or sanctioned such a plot, would have interfered themselves; it must have been a thing done by their inferior agents, if it was done illegally at all.

It is not very likely that Mr. Seymour should have done so. I believe it as little of him as I do of the sitting Members, and if the evidence had simply consisted in calling those gentlemen and saying, "We positively forbade anything of the kind, we were very much grieved at what we heard," and so forth, I should have said, "I am very glad to hear it, and I shall certify accordingly; but some person representing, or misrepresenting you, has broken the law, and you cannot hold the prize you have won in a race in which there has been foul play committed by a person whom you employed." Therefore, having first taken the statements of these gentlemen, it is necessary to see what the real explanation is which has been given, and to weigh it against the evidence on the other side. The explanation which has been given is this, that there was a council as to whether the men should be brought over. Mr. Eaton did not want to have anything to do with them, because he was pretty sure of 160 majority. Mr. Hill having some case in his mind with respect to which all I can say is, after hearing what Mr. Hill and Mr. James said of it, and knowing what I do of it, that it is an obscure case, which can hardly give much assistance, Mr. Hill, not being quite so sanguine as Mr. Eaton, appears to have at last turned the scale, and the men were sent for, but they were sent for at least in a way which, by the 21st and 22nd of the Queen, c. 87, is lawful, because by that Act the candidate may provide his own conveyance. Mr. Eaton provided his own horses and omnibus, and it was arranged that that conveyance so provided by Mr. Eaton should be sent over, and the men should be taken up. Circumstance the first, therefore, in favour of an intention to comply with the law rather than to break it. Then Mr. Hill states that he gave directions, which no doubt was done (that is confirmed, if confirmation be necessary, by the statement of every other person concerned in the transaction), that the men should be taken up away from a public-house, and set down away from a public-house. That again is circumstance the second, showing that the law was intended to be complied with in avoiding treating. And further, Mr. Hill being aware that any payment or promise of payment would vitiate the election and would be unlawful, which ought to have been enough, and I have no doubt would have been enough for him, directed that no promise of payment should be made to the men, and that their expenses should not

Coventry.

be paid; and I think he went so far as to say that they should be informed that no payment would be made, which directions were afterwards, according to Burrows, complied with, and the men were so informed. Then the next witness is the "friend" who is mentioned in the telegram, the mention of whom also added a certain sort of mystery to the transaction; the friend sent over to assist in the contrivance. That friend turns out to be Mr. Eaton, jun., who was sent over, not to assist in any unlawful contrivance, but who was sent over for the purpose of taking care that what was done should be done according to the law. What he did certainly did not break the law, and certainly he did act upon the instructions which he received. I say certainly, because nobody has doubted Mr. Eaton jun.'s evidence. I did not myself doubt his evidence. But that is not all. Mr. Eaton went over and communicated with Burrows, who appears to be a strong party man, who has been a long time in an employment at Leicester, who has all the appearance of a man whose word is to be respected, and who, although he was contradicted on one point by Noah Cox, a witness called on the part of the Respondents, for the purpose of confirming him (a circumstance which only illustrates a saying which I do not stop to recite), was so contradicted by a person who had no interest in the matter, who was no voter, and who probably paid no more attention to what passed about him in the public-house than a person usually does to conversations in which he is not interested, and in which he has no concern. I say Burrows, whose evidence seems trustworthy, states he not only did not promise the men, but that upon the men suggesting the question (as I have no doubt they did, confirming in this respect the evidence of the humpback Clarke) whether payment was not to be made, he said there was no payment to be made. Burrows stated that; Cox was called to confirm him, but Cox failed to do so, saying that he did not hear anything said about payment or promise of payment, and I must take Burrows by himself. I think it must be taken if Burrows was speaking sincerely, and I have no reason to doubt that he was, he meant to say, and did in effect say, that he rather negatived than affirmed that payment was to be made. Then with the exception of what is to be found in that statement which Clarke made and contradicted, and in another statement of another Witness, which he made and afterwards contradicted, there is nothing besides conjecture to prove that any one of those people was actually paid any money; and if there be evidence, assuming even that hearsay evidence upon such a subject would be admissible, though I think it never has been held to be admissible except for the purpose of scrutiny, there is no tracing of any agency, except as connected with the suggested payment by Kilbey to a man I think named Parker, of 40 l. for distribution amongst those people. Parker did not prove it, and I pay very little attention indeed, as may be supposed, to his evidence. Kilbey denied it, and therefore it rests that such a payment has not been proved, and there is no reflected light to put the matter before the Court otherwise than as represented by those witnesses on the part of the Respondents, to whose evidence I have directed attention, to show that there was an under-current of corruption besides and beyond the lawful acts of Mr. Eaton and Mr. Hill, and young Mr. Eaton and Burrows. Moreover, it is clear that the Petitioners have, as was their duty, done their very best to bring together every piece of evidence that could be given upon this case; amongst other things they have subpoenaed a number of the men. I do not at all refer to this as a thing which would prejudice my mind, but no doubt the Petitioners were well advised, no doubt they did right in subpoenaing them, and endeavouring to get what they could from them, and also no doubt they were right in sending them away when they found they could not get anything out of them; a number of persons, stated to have formed part of the 22 or 23 men that came over, have been unable to add anything to the evidence upon the subject; and I shall conclude upon this case by saying that, to the absence of those Witnesses, I do not attach much weight, and I rather refer to it as showing that I have turned the matter about in my mind, and looked at it in many directions. If those men had been promised, I think there are circumstances of the case which are exceedingly strange. I pay no attention to them, and refer to them no further. I will not even go through them, because I believe it would be a waste of time.

I cannot forget the extraordinary conduct of the witnesses, throwing, if there was any evidence of illegality, and there was in the first instance strong evidence of illegality in the Leicester case, throwing the burden upon the persons they meant to serve, by their misconduct and their obvious falsity in denying that they recollected things which they must have known and recollected. This is not the first century by many in which it has been observed that the most dangerous witness that you can have to dis-serve you (even when he is called by your opponent), is a dishonest friend. I account for these people's conduct, which struck me so forcibly at the time, by saying that they attempted to be friends to the respondent's cause; they did as much mischief as they possibly could, and cast as much suspicion and prejudice about the case of the Respondents as could have been cast upon it even by hostile evidence of men who had so misconducted themselves. That suspicion and that prejudice has been removed by evidence of a trustworthy character; but the way in which those witnesses went on in the box has covered them with discredit, and would have ensured them an imprisonment if they had been men in a higher position in life. I am afraid, if I went on upon this subject, it has occupied my thoughts so long that I should remove, by the tediousness of the various topics which have occurred to me in considering the case, the effect of any reasoning I may have advanced in support of the conclusion that the Leicester case is not made out; that it is not made out that there

was

was a promise to pay the men their expenses conditionally upon voting, and that there was not a corrupt payment, assuming that a corrupt payment after the election would fall within the 36th section, which I should rather like to consider more if I had to decide it. I think it would in the way I mentioned, as throwing light upon the conduct of the parties; but I do not wish unnecessarily to decide it; I only throw it out for consideration.

I now come to the other cases. I deal with this Leicester case as being the one containing the majority of instances, and I shall not repeat what I have said as to my view of the sort of reasoning applicable to all of the cases; I must pass over those which remain to be dealt with, shortly, inasmuch as I have stated my general views at large in dealing with the first. The next case to deal with is the Birmingham case; I think the Birmingham case was that of Lord and Rose, and I think the witness called upon the part of the Respondents was William Barnacle, a man said to have given 1 s. 6½ d., as one of the men said, lent, as he himself said, to one of the men to pay his railway ticket from Birmingham.

I think that there was also a statement in that case, that Barnacle had spoken of its "being all right," and further that there was, with regard to that case, the evidence with respect to Herbert Jackson. I should be very glad in disposing of those cases, if I should make any omission in respect of them, to have it supplied even at this moment, but it appears to me that in respect of that case there is no proof of any agency of the person who paid the 10 s.; I do not think it is sufficiently made out, and as Mr. Huddleston has so thoroughly observed upon this case on the part of the Respondent, and Mr. James has with equal thoroughness advanced what he had to say upon the part of the Petitioners, I do not think that I should be justified in saying more than that it appears to me that it is not proved that there was a payment by an agent in that case. I think it would be a strong measure with respect to the two payments of 10 s. each, to persons who had come over from Birmingham without any previous promise that I can make out, though undoubtedly with the expectation that they would be paid, to conclude that because some person, taking their evidence as true, gave each of them 10 s. for expenses, that person not being proved to be an agent of the Members, upon that penal consequences should follow. I can understand a candidate being very much injured by a person who was favourable to him, and who was very glad he had got in, and also who knew something of the men, saying, "These poor fellows have come over from Birmingham to vote; true, the Members cannot pay them, and I do not mind spending a sovereign or two upon the occasion, and giving one or two of them something to pay their expenses." I can understand that being done, and I can understand its being a fair conclusion to say, that if that was done to a hundred people, that unquestionably the man was not a mere friend but an agent of the Members, because even in the enthusiasm of an election contest men do not spend their own money in that large way; but I think it would be going farther than one would be justified in doing, though I confess I feel disposed to scrutinise those out-voters' cases a little more closely than, perhaps, others would, to draw a conclusion, I will not say, not warranted, but not sufficiently founded, and to say that the payment of that 10 s. by a person not proved to be an agent, even under those circumstances, does reflect such light upon the previous transaction, especially when Barnacle, who was not an agent, and who is called, was the person who is said to have held out the expectation and made the promise.

Now, I must pass on to the persons from London. The persons from London stand in rather a peculiar position, for this reason, because until William James Hedger, who was called late yesterday evening, was put into the box, everybody on both sides was under the impression that there was a telegram relating to those two men from London, from a person of the name of Hooper, in Warwick-street, Regent-street, directed to Hedger. The name of the son William James Hedger turns out to have been substituted by mistake for the name of the father Henry Hedger, the father being one of the ward managers, which ward managers (I think it has been taken by tacit consent in the course of the inquiry) must be taken to have been agents for the sitting Members. You have a telegram, "Keep the two men," and that was sent down shortly before the election, I think on the 12th or 14th of November, though the date is not very distinct. Then you have two men coming from London, one of whom said that he was led to expect 50 s., and another of whom said that he actually received 50 s. from a person, I think, of the name of John Moore. Upon the evidence of the second of those witnesses, I am rather inclined to believe that Moore did give him the 50 s.; that man, John Moore, is not called, and no explanation is given of his not being called. When Mr. James addressed me in reply, those two circumstances, that telegram as he properly used it at the time, and the fact of John Moore not having been inquired for or called, made so strong an impression upon my mind, that if the case had closed last night, and I had been obliged to decide upon the facts as they appeared, without further information, I might have come to the conclusion that those men did come upon the promise of being paid their expenses, and I think I should have come to that conclusion, though reluctantly; but then it occurred to my mind that this is not a case of *nisi prius*, and that it ought not to be decided as you must decide before a jury, who must give their decision upon the evidence offered, and cannot call witnesses as I can. This is a case in which inquiry can be and ought to be made; and now William James Hedger being sent for, proves that the telegram which was supposed to relate to the two men from London, was really a telegram relating to two commissionaires who were sent down to act as detectives for the purpose of watching and preventing bribery. With respect to John Moore, if either party had asked me to have a search made for John Moore I should have done so, and I said last night that I should

Coventry.

hear any evidence on this point that either party might think proper to give. It was alleged on the part of the Respondents that John Moore was not to be found. The Petitioners have had an opportunity of searching to see if that was so; and I think I must come to the conclusion that John Moore is a person whose absence is not designed on the part of the Respondents; I am, therefore, to consider, so to speak, without prejudice, whether it is proved that John Moore was an agent, and I have not heard from Mr. James any proof that John Moore was an agent beyond suggestions or conjectures from other parts of the evidence. Very distinct evidence has been given as to who were agents, and I have a list, not including John Moore, of all the persons by whom *prima facie* and properly the Members ought to be bound; upon the whole it appears to me that the evidence of Hedger, and what I must consider as practically the explanation that Moore is not to be got at, ought to weigh the scale in the opposite direction from that in which it inclined in my mind yesterday evening.

The remaining case is one which I have passed over, because it stands upon a peculiar footing; it is the case of a man from Dudley; and with regard to him the evidence consists in this, that a telegram was sent to him and was sent to him in these terms:—"Eaton's Committee—Mr. Hammerton, come by first train to 'Stag' Bishop-street," and that is signed "James Kilbey." He said it was not his signature, but it was sent by his authority, and no doubt it was a paper which came from an agent of the sitting Members, and which, if it amounted to a promise to pay the witness's expenses conditionally upon his coming up and voting for them at the election, would have defeated the election. Moreover, Hammerton stated that he was paid a sovereign by Kilbey; with respect to the payment of the sovereign, if you take the payment of the sovereign with the telegram there is an end of the case, because Kilbey was an agent, and if he paid that sovereign to Hammerton this case is made out. It is necessary, therefore, to inquire what sort of a person Hammerton is, with a view first of all to consider whether it would be right to act upon his statement that he was paid the sovereign, against Kilbey's statement that he did not pay him the sovereign. This person Hammerton is not a person of good character, as is quite clear from his mode of answering the questions as to what passed before the Election Committee upon a former occasion. He must have done something to be ashamed of, or rather that other people thought he ought to be ashamed of; it appears that this witness Hammerton wrote letters both of which I have in my hand, and these letters are directed to Kilbey:—"I have had several visits from the *ill*-Liberals of Coventry, who went from Birmingham, respecting my coming up at the last election; I was three hours with them at the 'Bush Hotel,' and dined with them and took my grog, &c., and in answer to their queries, I told them bluntly that I paid all my own expenses, and if I had not they and their d--- party should not know for 1,000 *l*. I take this liberty to satisfy you and our party that I am firm, as I have heard that they have boasted I am coming up, but no go. I think I tricked them nicely to get a good dinner and wine and cigars, &c., and then threatened to kick them out of Dudley; if our worthy Members are unseated, I hope we shall have two others, and will come up and serve them. Please tell William Lynes, Esq., of the case, and how I disposed of them." That letter when read struck me as having two aspects, because that man, if he was a man upon whom no reliance could be placed like those persons called in the Leicester case, seems to boast of having something to conceal; that unquestionably is so, but I do not pay much attention to that letter. Then comes the letter of the 10th of December:—"I humbly hope you will excuse my freedom in writing to you; my daughter wrote to me yesterday, stating that the Radical demagogues intend to lodge a petition against the return of our respected Members. I hasten to inform you there was one Joseph Cooper acting in our ward, and he was always a dark blue before, and I am informed he came over on purpose to obtain evidence against us; and I know he is capable of doing or swearing anything. The said Joseph Cooper was in Birmingham last March, and followed me and the witnesses about, abusing me, and endeavouring to persuade them not to go at the instigation of Stephen Knapp. I hope you will see Mr. Kilbey respecting him; as I come into Dudley every day or so, any communication will find me, 52, Wolverhampton-street, Dudley. I beg to remain your humble servant, Thomas Hammerton. P.S.—I have just had a letter signed, Chairman, Messrs. J. and Carter's committee, dated 'Castle Inn,' 9th December, requesting information who paid my expenses and loss of time in coming up to poll, &c.—a nice little bit of Radical impudence. I shall reply that I came at my own, and will do so again as long as a Conservative is in the field against them." That letter also is open to the remark that I have made. That letter certainly has a double aspect. It may be the letter of a man who has got his expenses, and who writes to say that he is concealing that fact from the opposite side. Certainly it appears to me that these are letters which put one side in as great a difficulty as the other, with one exception, that they prove that Hammerton is a double-faced rogue. I know the difficulty of dealing with cases of bribery. I found it rather upon what I thought would be the sort of evidence which would be brought forward before these courts. I came to the conclusion that one would see people who had played false to both parties. I did not anticipate seeing so many poor, sad-eyed people, who have come to prove small payments to them, which could amount to bribery, but which might bear the aspect of charity; but I certainly expected to meet such cases as that of this unscrupulous and untrustworthy person, Hammerton. I felt at once the difficulty of proving bribery. As Mr. James put it, a jury could not act upon such evidence. Upon the other hand, I feel the impropriety, even for the sake of obtaining the good of doing away with corruption

(of which a great deal exists, though not so much as I had been led to anticipate in any of the places I have been in), of endeavouring to do away with corruption at the expense of introducing a loose construction of the law, or a hasty and violent presumption upon facts by a judicial tribunal. Of course it is most especially in dealing with facts that I must exercise my judgment as best I can. Where there is a person named Hammerton speaking to a bribe, and where there is a person named Kilbey contradicting him, and saying that there was no bribe, and where the person who is stated to have received the bribe is a tainted witness, whose evidence I should hesitate to act upon, even if there was no contradiction, then I ought not to say that the fact is proved, merely because it is for the public benefit that such facts, if they do exist, should be proved. There is no public benefit in relaxing the rules by which justice is administered in this any more than in any other part of the system of legal administration. I am bound to say that I cannot, upon that evidence, whatever suspicions it may raise in my mind, come to the conclusion (against Kilbey's evidence) that the sovereign was paid, and I am not at all now sure that this person Hammerton, who, as I strongly believe, looking to the way in which he gave his evidence about the papers produced before the Election Committee, had previously dealt in concocted documents, having first given false information to the agents for the Petitioners, did not write these letters to Kilbey for the purpose, to a certain extent, of confirming himself. I can quite believe that the learned counsel for the Respondents were quite uncertain whether they should produce those letters or not when he got into the box. However, I cannot conclude that the sovereign was paid.

It remains to say whether in point of law this telegram does amount to a promise to pay travelling expenses conditionally upon Hammerton coming over and voting for the Tory candidates. That is a question of pure law, and Kilbey's intention, either one way or the other, could not affect it. I must put a proper construction upon this document. I agree with Mr. James that an instrument or an act that would give a man to understand directly or indirectly that a thing would be done if he did something else in return for it, would be sufficient, but only because it would be a promise—a contract, if acted upon. The question is, what is the legal construction of this document, "Come by the first train to 'Stag,' Bishop-street"? Does that amount to an act or inducement, giving evidence of a contract, which, in the case of *Cooper v. Slade*, was held to amount to bribery? I think I may dismiss this by referring to the opinion expressed by a learned judge whom it is only necessary to name in order to command respect. My brother Bramwell, in the House of Lords, in the case of *Cooper v. Slade* (p. 765), gave the opinion that even in that case, where the terms were, "Your expenses will be paid," those words added by a person in the committee-room of the Member, after what he had said, were not, under the circumstances, sufficient evidence of such a conditional promise. However, his opinion upon that point, which was one rather of evidence than of law, did not prevail; but he pointed out in the clearest terms that no amount of hope or expectation on the part of a voter is enough to constitute bribery, and everybody agreed that the mere request to the voters to come up and vote could not constitute bribery. It is quite clear that it cannot as a matter of law, because if I were to ask one of the learned counsel to go to London and vote for me at a club or elsewhere where an election was to take place, and say, "Come by first train" to whatever club it might happen to be, although looking to the fact that an election was about to take place, there could be no doubt that I meant that he should come and vote for me at some expense, I think that it would be not only without authority, but that it would be contrary to the authority to be found in the opinions of all the learned judges who dealt with the case of *Cooper v. Slade*, to say that such a contract to pay the expenses was implied. If I send to a coal merchant, and say, "Send me in so many tons of coals," of course it means, "I will pay you for your coals;" but if I write to a man to do a thing to which a price is not usually attached, and as to which the law says there shall not be a price attached, and for which the law says there shall not be a price paid, I think that the implication of condition would be contrary to the principle, and also to the authority of that leading case to which reference has been made.

I must here leave the cases of voters coming up to vote. I recognise their importance, otherwise I should not have spent so many remarks upon them. Indeed, I have not a case here until you get to the end of the cases of actual bribery, which did not call for the attention which it received on the part of the learned counsel.

Now, I turn to the cases in which actual bribery has been alleged, and those cases must be disposed of in order. They were the cases of Shuttleworth, Villiers, Wale, Road-knight, Barton, and Horsfall. The most important of those cases, as it strikes me, is the case of Shuttleworth, and that is the case which has created most difficulty in my mind. When that poor fellow Shuttleworth and his wife got into the box and gave their evidence, I certainly did at the time arrive at the conclusion that a strong *prima facie* case had been made out, and if that had not been answered, I must have come to the conclusion that a bribe was given to Shuttleworth. That bribe is said to have been given by a person named James Mann. There is also the case of Villiers, in which James Mann's name was introduced. I think I ought to deal with those cases together. Villiers's demeanour did not impress me as that of a man who was telling the truth. It turned out that he had been previously convicted, and as almost every person at all hardened does, he said he was convicted unjustly, and moreover, he had written a letter, or had signed a paper in a very good hand (not at all an ignorant hand, but the hand of a man who seems to have known what he was about), stating that "Joseph Villiers, of Cocks-street, weaver, says, 'I am a

Coventry.

voter, and at the last election voted for Hill and Eaton. I declare that I did not receive any money or bribe for doing so. The agents for the Petitioners have been trying to make me say so.—2nd February 1869.” Therefore, here is another of the double-faced ones, and not a man whose evidence is to be received with confidence, or to be acted upon unless it is confirmed.

With respect to Shuttleworth, he states that Mann had called at his place, and taken him aside in his house to a certain place under concealment, and gave him half-a-crown, and afterwards gave him 10 s. The evidence to confirm this is the evidence of his wife, who speaks to Mann having been at the house under circumstances in which the money is stated to have been paid, but not to the payment. That is the evidence of those persons. On the other hand, there is the evidence of Mann himself, who denies that he was at the house, and denies it in a circumstantial manner. He states when it was that he was at the house; he tells of his going there upon two occasions, and lastly upon the Saturday before the election with a card for Shuttleworth, which had been forgotten. I pay no attention to Mrs. Shuttleworth talking of Monday instead of Saturday; I think that is of small consequence. If I recollect rightly, she did so, but I do not stop to inquire into it, because it is a small matter, and circumstantial variances are less likely to occur in a made-up story; but Mann explains that on this occasion he did go to the house. He denies that he was there at the time that the half-a-crown was said to be paid, and he denies the payment of the 10 s. If it had stood upon the evidence of Shuttleworth and Mann, it would have been a case in which I should have been left without any other alternative than to say to a jury, “Do you believe the one, or do you believe the other, or rather do you believe the one side so much more than you believe the other, that you are content to rest your judgment upon it, and to pronounce for the affirmative?” The case, however, does not rest there, because, passing over the evidence of the opposite neighbour (to which I attach very little importance, for the reason which I mentioned before, that people negating that a thing took place in which they have no interest, comes to little or nothing), passing over the evidence of Wheateley, and coming to the evidence of Nunn, I find that there is no evidence before me going to the credit of Mann, that I can recollect. There was no cross-examination of Mann to show that he was a person unworthy of belief by reason of anything which he had said or done. He appears to be a person who is to be found, and who has been to be found for a considerable time, and against whom, if anything existed, no doubt it would have been produced, and properly produced. That being so with respect to Mann, I will take the evidence of Nunn, the grocer, who looked to be a person who might be relied upon, unless something was advanced to the contrary. He, like Mann, was not in any way shaken by cross-examination. He said that Shuttleworth had come to him, and stated that the paper that he signed (that is the paper, no doubt, containing his evidence given to the agents for the Petitioners, which he repeated in the course of his evidence in this court) was all false, and similar evidence, though perhaps not so pointed, was given by Wheateley; and it appears that this person wished to see Mr. Dewes upon that subject. Upon that, Mr. James made a remark, showing the fertility of his mind, which certainly is extraordinary, but which I do not admire so much as I did other remarks which he made in the course of dealing with this case. He said, “Very well. Shuttleworth was anxious to make a statement, and was about making it. He was not listened to by Mr. Dewes, but he must have been listened to by somebody else, and that somebody else must have been in the interest of the sitting Members, and that statement is not produced to contradict him.” Two remarks may be made upon that. In the first place, that Shuttleworth, being Mr. James’s witness, he had the opportunity of asking about any such statement, if any such statement were made; and, secondly, that it would be an extraordinary thing that Shuttleworth, having given even a hint to Wheateley that he had made a false statement in respect of Mann, should have gone off to any one connected with the sitting Members, and made a statement to him with a view of making a clean breast of it, and with the view of showing that what he had said was false, but which, if produced, would show that what he had said was true. I think that was the only shadow which Mr. James pursued in the course of his most able address. Those are the circumstances, and again I say, pronouncing a judgment, which anybody who attends to the facts is as competent as myself to pronounce, I being the one person to pronounce the judgment which is to be delivered, I cannot act upon Shuttleworth’s case.

If I cannot act upon Shuttleworth’s case, still less, then, can I act upon Villiers’s case, for the reason I mentioned, so far as it affects the husband. So far as it affects the evidence of the wife, who confirmed the husband in stating that two half-crowns were given to her by James Mann, James Mann avows that he gave the two half-crowns. He says, “I did so.” She does not say that they were given as a bribe. She used in her evidence some curious expressions, to which I have referred with regard to this, and which I find thus upon the note. “Q. Did he say anything in your presence to your husband?—A. No. Q. Did he say anything to you?—A. No; only he gave me the 5 s. Q. What was the money?—A. Two half-crowns. Q. When he gave you the 5 s., what did he say?—A. He asked where Mr. Taylor lived, my husband. He asked where Mr. Taylor, my husband, lived; that was all that passed.” Then, having stated that he did not say anything as to what that money was given for, she is further pressed as to it. “Q. Did he say anything to your husband when he gave you the 5 s.?—A. He said that was because they had not got nothing to do.” That is the whole account that she gives of that payment of the half-crowns. Mann, being called, states that he did give them, and that

that he did give them to her, in respect of work her husband had actually done at the municipal election, and that he did not give them with respect to the Parliamentary election. In this state of things, it appears to me that Villiers's case falls with Shuttleworth's.

Wale's case was treated, and properly treated, as standing upon a different footing. Wale is the person who got the tea and the sugar and the shilling, and who says that 5 s. was slipped into his hand under mysterious circumstances. This was an old man of 80 years of age, who would certainly have been open to influences of this kind, and upon whom a very small amount of bribery would have worked. I pay no attention whatsoever to the suggestion that only a small amount of bribery was committed. His evidence is to be taken with that of the witnesses who were called on the part of the Respondents, viz., Thomas Hollings and his wife, and Pritchard; Pritchard went with Wale to the poll, and his evidence amounts to this, that he saw no sum of 5 s. paid by anybody. The evidence of Mr. and Mrs. Hollings was in effect that a small quantity of tea and a more considerable quantity of sugar were given to Wale, and that the tea and sugar (which were returned), and the shilling (which was kept), were given in consequence of Wale's distress, and as a mere act of charity to him. Mrs. Hollings especially struck me very much as being the witness of truth. She gave a very circumstantial account of the matter, which, if she has invented it, is certainly a piece of deception of a very clever as well as of a very minute kind. I doubt whether she could have invented it. I think that upon her evidence, if not upon that of her husband, I should come to the conclusion that that tea and sugar and shilling were given as a mere act of charity, and not with reference to the election.

It was properly observed, that if there had been many of these acts at about the time of the election traced to any persons who took the part of the Members, a very different construction ought to have been put upon them. I will not say that this is, as Mr. Hudleston remarked, with reference to the five-shilling cases, the only one of the sort, but it is one of two such acts, to the other of which I will now refer. That is the case of John Roadknight. The case of John Roadknight is to be taken with the evidence of Daniel Hunt Clare, if I recollect rightly. It struck me at first, that this witness gave his evidence rather oddly, but I satisfied myself in the end that it was only a peculiarity of tone, and perhaps slightly of manner, which appeared to me at first to be attributable to hesitation. I incline to think that the 5 s. was given, but whether it was given under the precise circumstances, I do not think it necessary to determine, the circumstances not amounting to enough to satisfy me that the act was traceable to the Members. Pritchard said that he found Roadknight in distress, and that he took him to Clare, whom he had known to have relieved people out of charity, under similar circumstances, and that Roadknight, being taken to Clare, did receive a couple of loaves and some other food. Clare gave Roadknight several other sums of money, I think, amounting to about 10 s. Roadknight said that the money was given in respect of some 10 days' work; but Clare said it was given in respect of about five days' work. That is a circumstance which in my mind goes to confirm Clare, because it shows that he is giving a candid account of the transaction out of his own mind. He states that the amount of work paid for was a less amount than that which Roadknight spoke to; which, of course, would exaggerate the effect of the payment made, if it was a corrupt payment. I think the payment of the 10 s. is explained by Roadknight himself; and it is further explained by Clare to have been a payment for work. I cannot hold, and I do not believe, it to have been corrupt. But then the giving of the food is explained, both by Pritchard and by Clare, to have been an act of charity to a man who certainly was in distress at the time; and, although bribery under the guise of charity is even more detestable than if it were bare-faced, care must be taken not to confound the one with the other.

With respect to Jane Barton, she says her husband got money, or a promise of money, from the Members themselves, and her husband was called to contradict her. I do not think her husband need have been called to contradict his wife; but she says that one or the other of the Members did it, and they both contradict it. It hardly required further notice; and it did not receive much notice at the hands either of the judge or of the counsel. The fact that the persons alleged to be implicated are well off in the world, and that the witness Barton is a poor person, has nothing to do with the matter; but it is preposterous to imagine that the Members would have exposed themselves to the consequences which would follow in the case of this one person; because, if they had made a practice of it, we should have had all Coventry ringing with the cry of corruption, which would properly have been raised against them.

The next case to which I will refer is the case of Joseph Horsfall, who said that he had voted on the Liberal side before, and that a person of the name of Thomas Jackson gave him half-a-crown in the street. He says that he distributed bills, and delivered about 30 or 40 of them; and he spoke to being present at one of the places where treating was alleged to have taken place, and where this Thomas Jackson was, and where he says that they had "gin-hot." He gives the circumstance of time; and he says that Jackson told him that if he voted for Eaton and Hill, he would give him 10 s. Now I must turn to the evidence on the other side. The evidence on the other side consisted in the calling of Thomas Jackson, who denied the alleged offer to bribe. It amounted rather to an offer than a bribe, inasmuch as he had done some work; and no very clear comparison was drawn between the amount of the work and the money that he received. But

Coventry.

Jackson denied the story, and said it was not a true story; and to confirm his evidence the Respondents called the landlord of the place where the treating was said to have taken place, who said that there was no "gin-hot" served during the day. I think that in that case, again, the evidence which has been given on the part of the Respondents outweighs the evidence which was given on the part of the Petitioners.

I believe that I have gone through all the cases in which actual bribery was alleged, viz., Shuttleworth, Wale, Villiers, Roadknight, Barton, and Horsfall; the case of Hayward being, I think, withdrawn.

The next set of cases with which I have to deal are the cases of offers of advantage; and although these cases have been classed below those of bribery by both the learned counsel, it cannot be supposed that an offer to bribe is not as bad as the actual payment of money. It is a legal offence, although these cases have been spoken of as being of an inferior class, by reason of the difficulty of proof from the possibility of people being mistaken in their account of conversations in which offers were made; whereas, there can be no mistake as to the actual payment of money. With respect to these cases I must content myself with saying that Thomas Neale, who actually voted, I think, for Messrs. Carter and Jackson, spoke of what passed between him and Linnett and Fawson; and that his wife also spoke of what passed between him and Linnett and Fawson. Those persons were called on the part of the Respondents, and Linnett and Fawson denied that the offer which had been alleged by the witness had been made. In that case there is a contradiction of the witnesses. There are also the cases of Harris, Priest, Cooke, Brown, Kilpack, Everett, Jones, Milliner, and Jackson. These cases which I must here class together are those as to a very great number of which the persons who were alleged to have made offers were called and contradicted the evidence which was given on the part of the Petitioners. With respect to those cases in which the persons who were alleged to have made offers were not called, there is not any proof that the persons so charged were agents. If there had been a single person standing in the position of an agent of the sitting Members, or either of them, who had not been called to contradict the allegation, the case would have been relied upon by the counsel for the Petitioners, and brought to the attention of the court. I have carefully gone through the cases, and that which he had failed to discover I, as was likely, have also failed to discover. Those cases have been answered where they required an answer, and where the agents were incriminated, and they have been answered in other cases, where no answer was required, of course for the purpose of showing that this class of evidence had been exaggerated. There is no case in which the agent was incriminated in which the agent has not been called for the purpose of either contradicting or explaining.

This, I think, is a summary of the facts, as they have presented themselves to my mind, and of the law, as I understand it, upon the various subjects upon which a decision has been claimed. It remains that I should deal with a question which is certainly more difficult than some upon which I have had hitherto to pronounce, and it is so because it is a question of discretion, a question upon which minds will differ, upon which the judge can in the end, for the most part, only say, "I think so," "I think, upon the whole, that is so, and I so decide," upon which it is not usual to hear arguments, and upon which judges are seldom able to give all the reasons that occur to their minds. If I should be asked to do so, I will state my reasons, because I have a desire that in everything I do, in which any advantage, as it appears to me, could follow, my whole mind should be exposed to view and criticism, which however I do not invite, and which I certainly do not fear.

The question which remains is that of costs. As a rule, costs ought to follow the event, and in ordinary actions in the courts to which I have been accustomed, they almost invariably follow it, the exceptions being rare. When I set off upon this circuit, I certainly did so with the intention of acting upon my old notions, and of dealing with these cases as if they were ordinary suits between party and party. I have, however, become deeply impressed with the feeling that there is a third party, no less interested than those who are immediately engaged in the Petition, and that I ought in each case to consider, not merely whether the Petition has failed or has succeeded, but whether, upon the whole, I think there are grounds, not founded merely upon the belief of such witnesses as many of those who have been called before the court upon this occasion have displayed themselves to be, but founded upon the very character and history of the transaction, upon which it was for the public benefit that the Petition should be presented, and upon which I think that the Petitioners have had reasonable and probable cause for instituting this inquiry, which I am satisfied that if I had been in their place I should, without anger and without prejudice, have thought it right should be instituted. I say no more upon that point unless it is desired that I should do so. I think this is a case in which a petition has been most reasonably presented and prosecuted, and therefore I say nothing about the costs, although the Petition has in the end, in my mind, altogether failed of arriving at the result of unseating the Members.

I deem and determine:

That Henry William Eaton, whose return was complained of by the Petition, was duly elected and returned.

That Alexander Staveley Hill, whose return was complained of by the Petition, was duly elected and returned.

That

That no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at such election.

Coventry.

That no evidence is before me that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

I shall certify to the Speaker accordingly.

DOVER ELECTION.

Dover.

JUDGMENT delivered by Mr. Baron *Martin*, 23 March 1869.

Mr. Baron *Martin*.] I DO not wish to stand in the way of either Mr. Hewitt or Major Dickson getting into the witness-box, if they think it desirable, but I think it would be better not to do so, and that it will be a great deal better not to enter into inquiries which are in substance extrajudicial. The only part of the case that affected Major Dickson was the cheque for 27 *l.*, which included the price of the supper; I am satisfied that he knew nothing of it, and that he paid it as a legitimate part of the East Kent election expenses. I think it will be better not to call either of those gentlemen. I see no occasion for it; I think that nothing has been done in the matter which a professional man might not do, and that Major Dickson is completely exonerated from all blame. I have only further to say that I sanction this withdrawal.

DUBLIN CITY ELECTION.

Dublin City.

JUDGMENT delivered by Mr. Justice *Keogh*, 5 February 1869.

Mr. Justice *Keogh*.] IN this case of the petition of two gentlemen, electors of the city of Dublin, Mr. George Foley and Mr. Thomas Woodlock, praying that the election last held for the city of Dublin, so far as regards the seat of Sir Arthur Guinness, may be avoided, I have given the voluminous evidence, extending over many volumes of manuscript notes, my best consideration. The case has been protracted over several days, but I am bound to say that I do not think any time has been at all wasted; and as regards the assistance afforded to the court in its very peculiar position—that of being both judge and jury—I have received, and have to acknowledge with thanks, the greatest possible aid from the learning and the skill of the counsel who have been engaged upon both sides.

The petition to which I have just referred contains several clauses. It seeks to avoid the election upon the ground of bribery; it also seeks to avoid the election upon the grounds of treating, of intimidation, and of the illegal payment of the travelling expenses of voters. I think that those are the four heads of charge made by the Petitioners against the sitting Member. As regards the two charges of treating and of intimidation, I am not aware that any evidence has been at all adduced to sustain them, and therefore they disappear from the case. The heads of charge which remain, and which the Petitioners contend that they have substantiated, are those of bribery, in its direct and immediate sense, and bribery, if it be so, as committed by paying, or promising to pay, the travelling expenses of voters upon condition of their voting for a particular candidate, and to those I will apply myself.

In order to enable me to reduce to anything like arrangement the immense mass of evidence which has been adduced before me, I have found it necessary to look with one general view at the whole of the case; and I think it will conduce to clearness that I should give, as succinctly as I can, a short narrative of the history of this election.

In the first place, it has been correctly stated by Mr. McDonogh, on behalf of the sitting Member, that this is not a case in which there might be any reason to suspect that the party entering upon the contest, seeking the suffrages of a great city such as this is,

Dublin City.

would be driven to make use of illegal practices. He said, and truly, that it was natural that Sir Arthur Edward Guinness should seek the representation of his native city. He was the sitting Member until the dissolution of Parliament. The princely munificence of his father, which the citizens of Dublin cannot easily forget, the virtues of his grandfather, which I am old enough to have heard upon every tongue, all justified him in seeking the representation of this city. I shall say no more upon that subject.

The electors of this city numbered, I think, in all from 12,000 to 13,000; I believe something over 12,800. The number of persons who polled at the election were, I think, in all about 11,000. The contest proceeded, and Sir Arthur Edward Guinness was returned at the head of the poll, but outstepping the second Member by only a single vote. The majority of Sir Arthur Edward Guinness over the person who stood lowest on the poll, namely, Sir Dominick Corrigan, was 208. It is, therefore, manifest that a single vote taken from Sir Arthur Guinness and given to Mr. Pim, the other sitting Member, would have reversed their positions, and placed the one at the head of the poll, and the other second on the poll. It is equally manifest that 105 votes taken from Sir Arthur Guinness and given to Sir Dominick Corrigan would have placed Sir Dominick Corrigan at the head of the poll, and Sir Arthur Guinness at the bottom.

The first step taken by Sir Arthur Guinness was, in my mind, a most judicious and proper one. He selected for his conducting agent a gentleman whom I have known for very many years, and who is known by all the members of the profession, both upon the bench and at the bar, to be a gentleman in his profession, and, outside his profession, of perfectly unblemished character. Sir Arthur Guinness confided his interests in that contest to that gentleman, and having done so, as far as the machinery of the election is concerned, he is not in any way further personally connected with it. Mr. Sutton, the gentleman to whom I allude, associated with himself other gentlemen, Mr. Williamson, Mr. Thomas Fells White, and others, of whom I should speak in equally high terms, as far as I am acquainted with their personal character.

Those gentlemen proceeded to conduct this contest; and from the very earliest moment it was plain to all those who knew anything of the facts, that it was certain to be a very neck-and-neck race. As the preparations for the contest proceeded, it was every hour becoming more manifest that the struggle would be closer and closer. That is sufficiently shown to us by the vast number of telegrams which have been proved—telegrams which, by the way, are nothing but electric letters, as I will call them, written by the candidates, or those acting on their behalf, to electors; letters, upon the production of which, if they were in the pockets of the electors, or if copies of them were in the desks of the candidates, or those acting on their behalf, the parties of course would have a right to insist; and there is no reason why, because they are, according to the invention of modern science transmitted along a wire, instead of being, according to the olden way, written on paper with pen and ink, they should have any greater protection. Those telegrams were, according to the request of the parties, produced under my order here, and they disclosed this unquestionable fact, that the agents of Sir Arthur Guinness, as the day of the polling came near, were thoroughly convinced that, in the language of those telegrams, not one single man could be spared with safety to the cause or the chances of Sir Arthur Guinness.

The way in which the election was conducted has a most important bearing upon the case. There was, in the first place, as far as I understand, no central committee; that is to say, there was no general committee to collect up all the work of the different out-committees or ward-committees; but there were central committee-rooms where the leading agents of Sir Arthur Guinness were employed from morning to night. There, all information was carried from the outlying wards; there, the results of the canvassing were delivered; there, too, the canvassers resorted; there every person went who required information, whether he was a voter or a non-voter. But independently of these central committee-rooms, without a central committee, there was in each of the different wards of Dublin (I think they amount to 18) a committee established. Those committees had all the machinery, which is usual in any society, collected together for the purpose of furthering any one common object. The committees, being 18 in number, varied in the number of persons who were on each committee. In some there were 11 or 12 committee-men; in others, there were 20 or 25; they reached in one particular case, that of the South Dock Committee, to as great a number as 55. There was attached to those committees every description of officer; there were presidents, vice-presidents, secretaries, assistant-secretaries, and honorary secretaries; there were "solicitors in charge"; there were, in some of them, ecclesiastical presidents; there were scarcely any of them without clergymen on the committee. The military element was represented in them; there were colonels, and captains, and staff officers, and I think one or two of them appeared to have been particularly dignified by having a special supply of four gentlemen, who are bracketed together, and said to be "clergymen to the ward." There is no evidence at all before me to tell me what was the religious persuasion of those gentlemen, whether they were Church Episcopalian clergymen, or Roman Catholic clergymen, or Presbyterian clergymen. It is not of any importance in this case, because there is no allegation that there was any undue influence, spiritual or otherwise, used in this contest. On one committee I see that a gentleman was not content with being president, but he was also enrolled as vice-president. All this I collect from Sir Arthur Guinness's books, now in evidence before me.

It is necessary to call particular attention to some of the names on these committees, with a view to the subsequent evidence; but far more than the name or the profession of any person upon any one of those committees, it is, according to the view which I take of
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Dublin City.

the case, of the utmost importance to mark specially one of those wards and one of those committees. Beyond a doubt there is one ward and one committee which is treated in a very different manner from all the others, and that is the Inns Quay Ward and Committee; and within that ward (at Green-street) all the freemen are polled. There the president is an eminent barrister, Mr. Norwood; the vice-president is a clergyman, the Reverend Mr. Gibson; the secretaries are Mr. Falkner, Mr. Young, and Mr. Williams; and the honorary secretary is Mr. Samuel Tudor Bradburne. He is the honorary secretary of this Inns Quay Ward, about which I shall have necessity to say much; and he is the private secretary of Sir Arthur Guinness. With him is associated, as honorary secretary, a gentleman of the name of Edward Lawlor, who is also one of the solicitors in charge, and in addition one of the committee-men. It was contended by Mr. McDonogh that I was to keep within the four corners of the page which contained the entry of the names of those committee-men, that I was not to allow or hear of any inference of authority outside the four corners of that document, and that the authority of each gentleman, whatever authority he had, was only to be attributed to the limits of his own peculiar ward, and only so far to bind Sir Arthur Guinness. But that is not so, even as a matter of fact, because I find that a committee-man in one ward becomes the president in another. I find that one gentleman, a Mr. Charles Crawcour, whoever he may be, is one of this committee, and he is upon three other committees. The same observation applies throughout. But dealing with this particular Inns Quay Ward Committee, it has a characteristic of vital peculiarity; it has not an *imperium in imperio* within itself. But there is overlying itself another committee, which is called, by distinction, the "Inns Quay Working Committee." Now, there are 18 wards and 18 committees, and how comes it to pass that in this book, coming out of the possession of the sitting Member, and therefore truly representing, as I take it, the state and condition of the arrangements made for the purposes of that election, there is no one of those wards, or of those committees, except this one, which has had what is called a separate special working committee? There is a page which contains the names of the committee, as in every other, and on the counter side of the page is the "Inns Quay Working Committee."

Now, let us see what is the composition of that working committee. The first thing I remark upon that working committee is, that it was chosen, as appears by the book of resolutions (which was given in evidence), upon, I think, the 13th of October. I may be wrong as regards the date, but the resolution was read by Mr. Heron, from the proceedings of this particular ward committee; there Mr. Henry Foster, who plays no small part in these transactions, moved, that out of this committee, which was not by any means a large one in point of numbers (not half the number of the south ward committee, sufficiently small in its numbers to be working in itself, and not too numerous for practical operations, if they were of a simple and ordinary character),—Mr. Henry Foster moves that, out of that ward committee, there shall be another committee chosen to be "a working committee," and that is carried unanimously.

Mr. Henry Foster is the mover of that resolution, and he is himself named a member of that working committee. Who are the other members of that working committee? Mr. John Norwood, as I said before, an eminent member of the bar, president of this Inns Quay Committee, is the first name. Mr. Samuel Tudor Bradburne, who is the honorary secretary of that committee, and the private secretary of Sir Arthur Guinness, is one of the other members of that working committee. Mr. George A. Young, who is the assistant secretary of that committee, is a member of the working committee. Mr. Edward Lawlor, who is one of the solicitors in charge of that committee, and who is also one of the honorary secretaries jointly with Mr. Samuel Tudor Bradburne, is another member of the committee. Mr. Edward Lawlor is made honorary secretary of that working committee; he is secretary of the committee; he is one of the solicitors in charge of the committee; he is a member of the working committee, and he is secretary of the working committee; but travelling outside the members of this very committee, as if there was something there to be done which did not appertain to any other of those committees, other persons are introduced into it not belonging to the original committee at all.

What is the meaning of appointing a working committee out of another committee? It implies that the general committee is too numerous for the work, and therefore reduces its numbers, and makes it more practical. Is there any pretence that the number of this committee was too great in itself, if, as I said, it was but ordinary business which was to be transacted? But if a working committee is required, why travel out of the limits of the other committee to introduce some new elements which did not before belong either to the ward or to the committee? What do I find? that a new office is created for this working committee which is not to be found in any other committee or sub-committee, and the officer is called a "superintendent"; Mr. Henry G. Hall, of 12, Seville-place. Who is the chairman of this working committee? Mr. Norwood was the chairman of the ward committee. No one can question his zeal, or his industry, or his learning for all purposes which might be required, even if there were not two solicitors in charge (for I remark that in the case of every one of those committees, there were two solicitors in charge of it); but Mr. Norwood will not answer to be the chairman of this working committee; and accordingly a gentleman whose name has not been much dwelt upon, but which I think is of great importance in the view which I take of this case, is specially appointed on the 14th of October 1868, to be the chairman of this working committee, Mr. W. W. Barlow. I believe it will be found, on referring to other portions of the book, that Mr. W. W. Barlow is stated to be a solicitor. I find that there is a page in this book for solicitors,

Dublin City.

and that at pages 38 and 39 on the list of solicitors, and under the heading "Solicitors," is the name of W. W. Barlow; address, 14, Henrietta-street; and unless there are two persons of the same name, I think we may fairly assume that he is the same person; and "by whom recommended, Mr. Bradburne," the private secretary of Sir Arthur Guinness. So that again we find that upon this working committee of the Inns Quay Ward Committee a special chairman is appointed; and on turning to another part of the book, we discover that he has been brought into privy with this working committee, not by reason of having belonged to the committee to which this was to be not subordinate, but, as I consider, controlling, but at the recommendation of Mr. Bradburne, who is himself a member of the working committee, who is the honorary secretary of the committee itself, and who is the private secretary of Sir Arthur Guinness.

That committee being so constituted, they proceeded to their work. The whole machinery of the election is managed by means of these committees. As the time for election approaches, instructions are being prepared for them, as well as for canvassers and agents. It is necessary to say a passing word about the number of persons who were employed for the purpose of conducting this election. I recollect, in the progress of his address, discussing this matter (as he suggested, and with my full consent adopted,) more in a conversational tone with the bench than in the regular formal speech to evidence which is made by counsel. Mr. Butt said that, looking at the number of wards, the number of committees, and the number of electors, those persons who had signed what are called the "gratuitous employment papers," they being in all 385, that number divided amongst all those committees would not make a very excessive number of employés for the purpose of that election. Assuming for a moment that those persons were all legitimately employed—though I have not yet had an answer to the section of the Act of Parliament to which I directed the attention of the learned counsel, namely, that making it illegal, whether for money or without money, to give employment to voters, in order to induce them to vote,—and, adopting the criticism of Mr. Butt, that it was no excessive number of employés, considering the vast number of wards and committees, directing my attention to this other book, also in evidence, at which I have had the opportunity of looking, and which throws, I might almost say, an electric light upon the whole of this case, I will not pledge myself to be perfectly accurate as to the number, but going over it with as much accuracy as I could, without counting every name, and wishing to be very much within the mark, and throwing out as far as I could all duplicates (for duplicates do occur in the weekly payments), making all due allowance for those deductions, I think I am within the mark when I say that upon this book it clearly appears there were 800 paid agents. But Mr. Butt argued, as he always argues, with great judgment and discretion, that fair allowances should be made for the excitement of an election. No doubt, fair allowances should be made in all these election matters. I quite admit that we should not measure them, as it were, by a two-foot rule; great passions are excited at elections, great interests are at stake, there is the desire for victory, there is the gratification of a just and laudable ambition, but making all those allowances, and going to the full extent to which Mr. Butt went in his observations as to 385 voters (serving as gratuitous agents) not being an exorbitant number, what becomes of the matter when to the 385 I have to add a regiment of 800 paid retainers?

The vocabulary of agency, in all its multifarious forms, is exhausted in that book. There are canvassers, agents, sub-agents, clerks, tally agents, poll agents, and poll runners; there are care-takers for rooms, male and female, and care-takers for freemen. Presently I shall have to observe about the extraordinary care which has been taken of those freemen; they appear to have been the object of the most anxious and tender solicitude. "From early morn to dewy eve" their personal interests have been most carefully guarded, at least upon the day of the polling; but all this enormous staff having been brought to bear, the parties went to work, led undoubtedly by brave men and clever men. No profession and no individual appears to have scorned to take a portion of the money of Sir Arthur Guinness. I venture to say that there is not a friend, no matter how dear, who was engaged in that contest, who scrupled to be a participator in the waifs and strays of the wealth of Sir Arthur Guinness. The colonel in command had his car-hire carefully provided for; the captain who canvassed had his weekly wages, increasing as he went along. However, it was necessary that, even with such experienced hands to conduct the election, instructions should be issued. The names of members of the bar appear very frequently in those books; they are very numerous. I think I observed in going through these books, amongst the names of persons who took a very warm and active interest in the contest, at least one of those who presided as a judge in revising the lists. I shall say no more upon that branch of the subject. The advice of counsel is taken, and in one remarkable instance a member of the bar was employed in bringing up the most wretched of the electors to the poll, to point out to them where they were to vote, and to prepare the street lists. There is in that book 45 *l.* paid to a member of the bar for preparing street lists. My friend Mr. Butt spoke of "street agents." I thought that was the proper designation of the people who ascertained at the doors of the houses how the voters intended to vote. My friend Mr. Butt said also there was such a thing at an election as "gutter agents." I thought that their occupation was more manual than professional, but it is the first time that I ever heard of a member of the bar becoming something lower than a gutter agent. At all events there was legal advice to be had, and when legal advice is required about legal matters and lawful matters, we all know very well where it is sought, and it is not in that rank of the profession. I see one or two of
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my legal friends before me who were consulted in the ordinary way, and mention is made in the most ordinary and legitimate way of their names in these books.

Instructions were prepared, and I have them, or some of them, before me. These are the instructions to canvassers: "Your duty will be to make yourself acquainted with the voters in each district or street in which you shall be directed by the ward committee to canvass, and daily report the result to the committee; and you are to acquire such information as will enable you to take upon yourself the responsibility of bringing up a certain number of rated occupiers, or freemen, to the place of polling on the day of election." Now, what is the meaning of that, "Take upon yourself the responsibility of bringing up a certain number of rated occupiers or freemen?" The connection between the "information" and the "responsibility," and the "taking up," appears to me at least to be very roundabout. "But you are, on no account whatever, to offer any bribe, promise, or inducement of any kind, for the purpose of obtaining the vote of any person whatsoever." Now, it is said, and said truly, that that is a very proper injunction to give. If it was by itself it would be simple enough; but when put in connection with the previous portion of the sentence, that the party is by no means to offer a bribe, but is "to charge himself with obtaining such information as will enable him to take upon himself the responsibility of bringing up the voters," it has not that convincing sincerity, to my mind, that it otherwise might have.

The next paper of instruction is to the secretaries and agents of the ward committee-rooms, and those instructions are very peculiar. They are signed by the conducting agents, and, therefore, they are a distinct, clear, and manifest adoption of all those ward committee-rooms. At once they enable me to sweep away all the arguments that have been most ingeniously urged out of all those cases, beginning at the earliest period of the last century, and coming down to the present moment, decided by Committees of the House of Commons, upon the question of recognition and adoption. Here, under the hands of the conducting agents, is a distinct and positive recognition of all the canvassers and all the ward committees, and their acts are just as much the acts of the conducting agents, as if they had been appointed by them, as if they had gone round to each of those wards and nominated every man on them, beginning at the president down to the honorary secretary. But what does this say? "You will reply to any person being a voter who applies for an appointment, that having regard to the Act of Parliament (a copy of which is posted in your committee-rooms), that such party cannot get employment for *payment* without involving the loss of his vote" (the word "*payment*" being italicised); "but if such voter be desirous of working and assisting the candidates, he must do so on the distinct understanding that he gives his services gratuitously, and without any promise of payment for same from the candidates, or any one on their behalf; and you will not employ any person whatsoever without the authority of the conducting agents." Now, at first sight, I am struck with the curious fact that a man comes to ask for employment for payment, and is told, "We cannot pay you for your work, but if you like to work gratuitously, we will employ you." Suppose, in the ordinary transactions of life, that a man were to come to my house and say, "Sir, I would wish to be employed as your carpenter; sir, I would wish to paint the walls of your house, or I would wish to put the slates on," and I were to say, "My good sir, I have a particular objection to paying anyone for any servile work; you may labour upon my house, but I have a conscientious objection to paying you for your labour; but, at the same time, if you are willing to come and do it for nothing, I am willing to employ you." Would not that be a strange proposition? Yet it appears to be about the suggestion which is made in that instruction, and carried out in that notable document, the "gratuitous service certificates" (signed by 385 electors), which Mr. Thomas Fell White, the solicitor, is modestly reluctant to take the credit of having originated.

Now I come to the instructions for the ward committees. The day of polling approaches, and here is the instruction: "Some members of each committee" (and this I thought and think disposes of that question raised and argued with great ability by Mr. McDonogh of collective responsibility) "should take charge exclusively of the freemen resident in the ward, and communicate all information regarding them to the head committee rooms." That is one instance of what I call the tender solicitude with which the freemen were regarded. "The committee will let the conducting agents have on or before the 31st October instant, a list of all such persons as they are well acquainted with and will recommend for discharging" (this, I think, very important) "the following duties at the ensuing election, namely, for poll and check-clerks and tally-agents" (I dwell upon that word for a reason, which will presently appear; the tally agent whom I at this moment have in my mind is William Watkins, and having just said that, I pass on), "stating opposite to each of their names what his peculiar capabilities for the office to which he is recommended are, as great care in the appointment of agents must be observed, having regard to the 8th section of the 31st & 32nd Vict. chap. 49," which is the section providing against the employment of voters for payment or reward six months before the election; and then it goes on, "Instructions for the day of polling. Polling commences at 8 o'clock a.m., and closes at 5 o'clock p.m. All freemen" (in large type) "poll in Green-street." "Those members of the committee who have undertaken the canvassing of the freemen" (thereby clearly showing that one of the principal duties of a member of the committee was to be a canvasser of the freemen) "resident in the ward should understand the incalculable importance of having them all sent up to the poll at Green-street, before 10 o'clock a.m. on the day of the polling, as also the necessity

Dublin City.

on receiving from the tally-rooms, in Green-street, from time to time, during the day, returns of unpolled freemen, of immediately thereupon sending agents to see that the unpolled freemen so returned are sent up forthwith." I heard once of a gentleman who, in reading a book, thought he would mark those passages which were most worthy of re-consideration. Here is a short passage in these instructions, and the person who penned it and who sent it for printing is so impressed with the extraordinary value of every word, that almost every word in it is italicised, or in large letters. "These members of the committee who have undertaken the canvassing of the freemen resident in the ward should understand the incalculable importance of having them all sent up to the poll at Green-street before 10 o'clock a.m. on the day of polling." That necessity of receiving returns of the unpolled freemen, the necessity of sending agents to see to the unpolled freemen, and the necessity *ultra* all of sending them up forthwith, were all italicised. Where was the incalculable importance of the freemen polling before 10 o'clock, and a householder not polling until 5 o'clock? Why is the lodger not of so great importance? My friend, Mr. McDonogh, in speaking of one or two shocking things that were proved against lodgers, dropped the expression, that the lodgers might sink even below the freemen. However, as far as the lodger franchise is concerned, happily, on this inquiry, I only detect a couple of cases of corruption as affecting them. But why, I say, is there this incalculable importance attached to having the freemen polled before 10 o'clock, and the householders, or rated occupiers, or lodgers, having the whole day to range over according to their pleasure? I merely call attention to that as, I think, constituting what I would call the atmosphere in which, at all events, a portion of this election contest was conducted.

Now I have given an account (longer than I indeed intended) of the general preparation for the great encounter; armies are arrayed, and chiefs are at their head upon each side, and one little thing alone remains to mention—possibly that which, in some minds, occupied the smallest space; possibly it may have affected, in some way, even those who were most disinterested. I refer to the fact that two agents for election expenses were appointed, both of them highly respectable, one being a member of the bar, and the other a member of the medical profession—both of them, I verily believe, incapable of doing the smallest thing which would be unworthy of a man of honour and a gentleman. One of them was Mr. Meredith, a member of the bar, who, I am satisfied, would not knowingly soil his fingers with anything which would approach in the slightest degree to any unworthiness; the other gentleman I do not know personally, but I have no reason to think that he is not deserving of equal commendation. But to them was to be entrusted what are commonly called the "sinews of war," and, beyond a doubt, they had been supplied in this case with no niggard hand. It is quite true, as was mentioned by Mr. Butt and Mr. McDonogh, that a vast sum of money was not deposited previous to the election; on the contrary, the greater portion of it has been paid since the election, and a very large portion of it even within a very recent period. Sir Arthur Guinness was called upon the table, and he gave his evidence as a high-minded and honourable gentleman, in a manner creditable to himself, and equally creditable to the good taste of those who had selected him to succeed his esteemed and respected parent. But Sir Arthur Guinness was not asked (and if he had been asked, I am certain he would have given a frank and immediate answer) whether he had intimated that there was a limit where he would stop, or whether he had told his election expenses agents that there was a limit beyond which he would not go. He was not asked, "Have you indicated to your agents that they are not to draw upon your purse beyond a certain amount?" Fortunately for himself, and those who were dependent upon him, his resources are believed to be very great. I can only draw from the circumstance that no such question was put by the able counsel in this case, who have conducted it with the utmost skill, the inference that the question was not asked because it would not have been favourably answered, and when he entered into that contest with all the chivalrous feelings of youth, with all that disregard of sordid pelf, which I believe, from his character, from his manner, and from his words, he entertains, I believe Sir Arthur Guinness fixed no limit in his own mind, except to pay whatever he was asked by his agents, legitimately appointed. That being so, then, this contest was entered upon with a distinct understanding that there was no limit placed upon the resources upon which the agents of Sir Arthur Guinness could rely. Accordingly a sum of 12,000 £. has been already carried to the credit of the two election expenses agents, Dr. Guinness Beatty and Mr. James Creed Meredith, solely for the purposes of the election, not mixed up with any other fund, such as the registration fund, to which I shall presently have occasion to refer, but confined entirely to the transactions of the election; and of that fund, 10,174 £. has been expended, and the rest has been carried back, only within a very few days, to the credit of Sir Arthur Guinness. But the statute has not been complied with; no full, clear, regularly drawn-out account of the whole of the election expenses has been furnished to the returning officer, that omission taking place in the teeth of a most critically-prepared section of the Act of Parliament; and to that extent the law has been defied, because what Mr. Meredith says is this, "You have in that book all the expenses." But what is there to tell me that when this inquiry is over scores of other canvassers, called to the scene of plunder (as I will call it) by the well-known profits of those who went before them, may not appear, and demand and receive many other thousands from the purse of Sir Arthur Guinness? But there is the fact that 10,174 £. has been expended up to this time upon this contest, for election

election expenses pure. I use the word "pure," not in the sense of uncorrupt, but for election expenses exclusively.

Dublin City.

Is there any other expenditure? The preparation for the registration of this city and the registration itself was carried on during the months of September and October last year. There is a great Conservative party in this city, composed of gentlemen of the highest position, having great public interests to look to—men of wealth, with landed property, personal property, commercial enterprise, all interested in maintaining the constitutional rights of the country, and its steady advancement. For my part, I hope that we shall never see the day when there shall not be a Conservative party in the country. But they are as much interested in preserving the constitutional rights of electors, and more so than any other class in the community. Composed in a great measure of those gentlemen, a registration committee exists in this city, and it holds its meetings and has offices at No. 3, Dame-street. The secretary of that registration society is a gentleman of the name of Hodson. The Conservative party subscribed to its fund. Its proceedings are managed by an intelligent solicitor, a gentleman as to whom I have reason to know as a member of the bench, that he has found favour in the eyes of that body for his intelligence, and no doubt for his skill in his profession, and as a scholar. I believe he is a member of the university, and perhaps in sharper and more intelligent hands the management of the proceedings of that society could not be placed. The public, or those interested in the proceedings of that society, subscribed towards the funds of that society a sum of between 400 *l.* and 500 *l.*, one individual contributing 100 *l.*, the general public confining their pecuniary testimony to their interest in the cause to a sum of between 300 *l.* and 400 *l.* How is the rest of the fund made up? Sir Arthur Guinness gives in three or four cheques the vast sum of 3,850 *l.*, in those months of September and October, to Mr. Goodman, who carries the whole of it to his private account in the bank—every farthing of it. Now, do not let me be misunderstood for a moment as insinuating that there is the slightest possibility of any malversation as regards that money on the part of Mr. Goodman. I do not believe anything of the kind; but suppose those things were done in other hands, what might they not lead to? Is money to be sown broadcast in that way? are we to expect that no corruption will follow? or is it not rather, as is said by the great poet of England—

"On a sudden open fly
Th' infernal doors.
She opened, but to shut
Exceeded her power."

Agree to scatter in this lavish way so large a sum as 13,000 *l.* or 14,000 *l.*, and even if you were to stamp upon every 5 *l.* note that no man should use it for the purposes of corruption, corruption would still prevail. Here we have 15,850 *l.* taken out of the coffers of Sir Arthur Guinness within three months to sustain the interests of the great Conservative party of this city; and in what does it result? In bringing to the poll 5,587 electors who record their votes! Let me say that, putting both those sums together, it took within a fraction of 3 *l.* a man to register every voter who recorded his vote upon that eventful 18th of November in favour of Sir Arthur Guinness!

I have been referred to numerous cases which have been hunted out of the books which contain the decisions of Committees of the House of Commons, for which I entertain the greatest respect, as I do for the House of Commons in its collective capacity and in every way. But I have been referred to other cases of a more recent date, decided by the eminent judges who are trying these cases in England. Two of them, I am proud to mention, were members of our university, and one of them was a member of the Irish bar before he joined the profession in England. What does Mr. Baron Martin, with his strong sense, say, when dealing with the case of the electors of Bradford, who polled 19,000 men, that is just 8,000 more than the polling in the city of Dublin? I have not the means of knowing how many registered electors there are for Bradford, but I venture to say that if 19,000 came to the poll there are more than 21,000 electors; 19,000 and some odd hundreds were polled in Bradford on both sides, and there were but 11,000 in Dublin on both sides; 7,000 *l.* is expended in the borough of Bradford, and Mr. Baron Martin says that "it would be impossible to convince every man of common sense that such an expenditure could take place without corruption"; and he goes on to say, "that no election impeached upon that ground of general bribery and general expenditure of money alone could stand before any tribunal actuated by common sense and justice." If that was the opinion of that eminent judge upon an election petition tried within the last 14 or 15 days, what am I to say of an election in which 5,500 men are brought to the poll at an expense of something less than 16,000 *l.*? The electors in the one place predominate in number over the electors in the other in the proportion of more than three to two. The expenditure in the smaller place is more than double the expenditure in the larger place.

But this election is not to be governed by the rule which I laid down as clearly as I could in Drogheda, and which, I am happy to see, has been re-echoed by the judges in England, and notably by Sir James Willes, I think, in the Lichfield case. I said there, and I say now, that general bribery, without its being traced to the candidate, will invalidate the election. Why? Because there is a third party, too little thought of in these cases, but whose interests, let me say, I hope will soon be fully and entirely recognised—and that is the public. I say that general bribery will invalidate an election,

Dublin City.

even though it be not directly traceable to the candidate. I say that general treating will invalidate an election even though not directly traceable to the candidate; and I say, above all things, that general intimidation and undue influence, whether it is lay or ecclesiastical, whether it is by the ecclesiastic of one persuasion or the ecclesiastic of another, whether by the Protestant, Episcopalian, or Presbyterian, or the Roman Catholic, will upset every election; and I hope that at every election at which it is practised it will be so treated, until the parties who use it learn that their best game is to work with clean hands.

But this election is not impeached upon any such general grounds. That case was not so opened. Probably the learned Counsel for the Petitioners, who has conducted his case with great ability, felt that he could not find evidence sufficient to sustain the charge of general bribery so as to invalidate the election, independently of the acts of the sitting Member or his agents.

But the election of Sir Arthur Guinness is impeached upon the distinct ground that, by himself and his agents, he has been guilty of specific acts of bribery, ranging within the two heads of charge which I have before mentioned. The first charge is what I will call primary or direct bribery; the other I may call consequential bribery, that is, the payment of the expenses of voters coming to the poll, contrary to the Act of Parliament in that case made and provided.

This leads me to the evidence in detail; and, as I wish to clear away matters as fast as possible, let me say that there is not a particle of foundation for even the most remote shadow of suspicion of any act of bribery, big or little, having been committed with the personal knowledge of Sir Arthur Guinness. Therefore, as far as his personal position, his personal character, and his personal acts are concerned, he is entitled to have, and he shall have from me, the most unqualified testimony that his hands are clean and his character unspersed by these proceedings with reference to bribery or corruption. But there remains the great case charged in the petition, namely, that, although giving no authority, but, on the contrary, disclaiming authority for any such purpose, there still have been employed on his behalf (to use the words of the statute), and acting on his behalf, persons who have compromised him, and with him the last election for the City of Dublin.

Now I proceed to deal with that branch of the case. These charges may be divided under two or three heads; the details are spread over 2,000 and more pages of manuscript. I have tried as far as I could to bring them into some sort of order, and I shall describe the first class and the most important one as that which connects itself with the Inn's Quay Ward, and especially with the transactions at 76, Capel-street. I think they involve ten specific charges of bribery—Kirk, Butler, Walker, Hagarty, Beckett, Bailey, the two Wilsons, father and son, Benjamin Cathrens, and Michael Steed. Those are, I think, all under that head, and I will presently deal with them. There is a most important class of cases to which I shall require to refer in some detail, more in the interests of the public than of the two contending parties here, and that is the class of cases which I will call Robinson's. They are persons who are alleged to have been dealt with by devious and crooked ways; guilt is always devious and crooked, innocence is straightforward. The lower vices, like the lower animals, crawl upon the ground, but it is all the more for the interests of the public that they should not be suffered to prevail because of any disinclination which we may have to come into contact with them. The third class comprises those which I will call "young Mr. Vance's cases," for that is the way in which they were described by the witnesses. The fourth class is that in which the charge of bribery could not probably, from the nature of the thing and the want of evidence, be maintained, but which throws a light upon the whole of the general transactions, and that is the circular, or circulars, with cards enclosed, which appear to have reached several of the electors of this city, and which being headed "strictly private," and referring to a former communication, directed them to write their names and addresses (adopting almost the vocabulary of the chamberlain or of the gentlemen in waiting) "legibly upon the enclosed card and present it at 3, Dame-street, two days after the election, to a person who would be there appointed to receive the same." Benjamin Warren's is the fifth class, and those comprise all the cases to which I have been able to direct my attention as having an important bearing against the sitting Member.

There are other cases not unimportant, but which I mean to clear away before I proceed further, as in my opinion they are either not proven or are displaced by the sitting Member and those who have been produced on his behalf. The first of those to which I shall refer is that of William Booth. He was the man who said that he was suborned in some way or practised upon by a man of the name of Tierney, of the "Express" office, and that he was brought over to Alderman Manning; and he says that having told the Alderman that he would expect to be paid, the Alderman said he should be "enumerated." I think that was the expression; I do not mean to enumerate that amongst the number of cases which I consider as proved upon this inquiry. I think that that is effectually disposed of by its own tale and by the very clear and distinct swearing of Alderman Manning. It is impossible to believe that Alderman Manning is so great a fool that to a fellow of this kind coming in and saying "I mean to be paid for my vote," he would reply, "You shall be remunerated."

The next case is that of Greer, which, from first to last, appeared to me to be fraught with suspicion. He told his tale about two men named Leech, and swore to the most direct and palpable bribery by Mr. Birch. If that ever took place I must believe that

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Mr. Birch was as wilful and corrupt a perjurer as ever appeared in a court of justice. That case I disbelieve; and therefore the sitting Member is entitled to my decision upon that charge.

The cases of Michael Kelly and James Doyle remain. Michael Kelly's is a very curious case. It is that of an agent going into the enemy's camp, and trusting a little too much in doing so. However, stranger things do happen. Warren is alleged to have given two letters to Michael Kelly, and one of those is delivered to its destination, and the other is handed over to Mr. Fitzgerald. Those letters are not produced, and could not be proved, but at all events it is sufficient for me now to say, as I observe Mr. Baron Martin says, that "it is not necessary at all for a judge, unless he thinks proper, to do more than a jury, and to give reasons for his decisions in every particular instance." I do not think Kelly's case proved.

As regards the case of James Doyle, who brings in the name of Mr. Ledger Erson, who was a member of a committee, and an active partisan, no doubt, of Sir Arthur Guinness, I think that is a very weak case, directly met by Mr. Erson's contradiction, and I should not like to rely upon it.

I now come to a case of a very different description, which I will also dispose of before I arrive at my ultimate decision, and that is the case of the freeman William Dalton. That man is alleged to have been bribed by means of Mr. Caulfield, who is the governor of the Four Courts Marshalsea, and has been so for very many years. Dalton is a freeman steeped in poverty; that is a conceded fact, else he would not have been immured in prison for 15 months for the paltry sum of, I think, 11 *l.* 1 *s.* 6 *d.* He is in the custody of Mr. Caulfield, who holds an important public employment. Some of the very highest people in the country are, by special provisions of Acts of Parliament and resolutions of the House of Commons, forbidden to meddle with elections. A peer of the realm, unless he is an Irish peer who has a seat in the House of Commons, has no right to interfere in an election. Lord Lieutenants of counties are forbidden to use their influence at elections; and, in England, the military, strictly speaking, ought to be removed from towns during elections, and sometimes are so removed. Undue influence is forbidden by law, and is a high crime. If a clergyman uses it, to put the strongest case, he is visited, and deserves to be visited, with the severest reprobation. "If you are strong, be merciful." The greater the influence the more cautiously it ought to be used. I say, then, it is a scandal that the governor of the Four Courts Marshalsea, should be playing the part of a committee-man at an election, and a trafficker in votes with those who are under his control. But Mr. McDonogh said, trying to break the fall of these matters as much as he could, though I am perfectly certain he is as sensible as any one in court of the limits of propriety and impropriety in such transactions, that Dalton was an honest man, and would repay Mr. Caulfield, and that Mr. Caulfield was a generous man and a charitable man, and that it was for that reason that he advanced this sum of money to liberate "poor Dalton," who had been in his custody, unthought of, for 15 months. When did this ray of charity and benevolence first dawn upon the mind of Mr. Caulfield? When did it first concern him to be solicitous about the payment of debts which were not his own? On the day before the polling for the city of Dublin! The poor lady to whom this small debt was owing is solicited to come to the Marshalsea. She is met by the Marshal; she is met by her debtor, and she is induced to sign a release. I am told that the debt had been brought down from 11 *l.* to 4 *l.* by payments from time to time. That is a very curious circumstance; but assuming it to be the fact, she signed a release for 4 *l.* to liberate this man. It is drawn by Mr. Caulfield, and it is authorising himself to release the man. I have heard before now of the governor of a prison being in his own custody, and of a warrant ordering him to keep himself in close keeping. In the curious history of this country, we sometimes come across some such enigmatical contradiction; but here is a warrant drawn by the man himself, telling him to discharge the prisoner as soon as he has received from the prisoner the debt; and he pays the debt himself! It is said, that was all charity, and had nothing to do with the vote. But there is a light thrown upon it by Mr. Caulfield's own evidence. Why did he not liberate the man then and there? If he was to lend the money, why did he not then and there do it, and pay the money to the lady? He does not pay it until the 21st of November, three days after the election. At what hour does this Dalton vote? To use his own description, he cannot tell the hour, but it was very nearly dark, and I suppose, on the 18th of November, we may believe that it was approaching very near the termination of the election. What does Mr. Caulfield himself say? he goes in the morning to Mr. Waller, who is one of the principal gentleman employed in the great establishment of Guinness & Son, in James-street, hard by the Marshalsea, and he says, "I have got a voter, who is a Conservative, in my custody, and if you like, you may have him." That is the expression which he uses. "If you want the Conservative voter you may have him, but to have him there is 4 *l.* to be paid, and I do not mind, if you want him, paying it, for he is an honest man." What a curious mixture there is there of business and charity! With one voice he says, "This is a poor honest fellow, I am anxious to liberate him." With another voice, he says, "He is a Conservative voter, and if you like, you may have him, but you must come for him, and you must take him on a car, and you must bring him back on a car." Dalton remains at the prison that night; but I make nothing of that, for I dare say many of those poor fellows who are so long in prison do not know where to find a home at night; but to tell me that this was all benevolence or charity on the part of Mr. Caulfield, would be an insult to my understanding, as I have no doubt it would be to many of those gentlemen who still felt it their duty to press that view of

Dublin City.

the case. I confess that this case has cost me very serious and anxious consideration, and although, with no small difficulty, I have come to the decision that I do not see my way conclusively to find that William Dalton was bribed by the hands of Mr. Caulfield, and fortunate it is for Mr. Caulfield that I do not, yet, I say, that it is a transaction which trembles upon the very line which separates charity from corrupt inducement. It is not for Mr. Caulfield under such circumstances to assume the tone of affronted innocence, as he did upon the table here when cross-examined by counsel; I told him that counsel was far and away within the limits of his professional privilege. The fact that I have been long and anxiously considering his case, is the best evidence I can give that it was within that limit.

Having disposed of those cases as to which I am prepared to say that the petitioner has failed, I now approach those four heads of charge to which I have already specially alluded. First, as to the transactions at 76 Capel-street, and the evidence thereon. Now I said that this working committee of the Inn's Quay threw a light upon the whole of those transactions. It is the only committee in which, as I said before, there is a working committee; and the persons whom you would naturally expect to be most active on behalf of Sir Arthur Guinness are there, notably his own private secretary. I do not say that he has had, directly or indirectly, anything to do with corrupt practices, but he is there. Mr. Norwood, the barrister, was on that committee; he was in court during a portion of this trial; he was the chairman of that committee; that committee and its doings were impeached more than any other part of this case, but he never was put into the chair. Mr. Foster, the grand contriver (for I will not hesitate to describe him as being, and if my mind does not deceive me, before I close my observations I shall demonstrate that he was such), is not called, except by the petitioner and the court, and by them is called in vain. I called him in the interests of justice; I called him to give him a *locus penitentiae*; if guilty, it was to enable him to say something *ad misericordiam*, if nothing else. Nothing is heard of him except a certificate, which I am taken to task for calling an unverified certificate. Every lawyer knows that every certificate which is not proved as to its handwriting, and as to its truth in matter and substance, is an unverified certificate, and cannot be taken as verified in any court of justice. That may soothe the susceptibility of that gentleman who is so indignant that his certificate, without his testimony, should be called unverified. The very absence of Mr. Foster should have made the sitting Member's counsel, if they could do so with prudence, produce everything which could throw a light upon the transactions of Mr. Foster. The absence of Mr. Davenport Crosthwaite was another circumstance which ought to have thrown them upon expanding wide every means of information; but, instead of that, neither Mr. Lawler nor Mr. Hall, who is the superintendent of this working committee, imported, as I have said, not from the committee itself but from outside the committee, is called; nor is Mr. W. W. Barton, solicitor, produced, who is made the chairman of that working committee, having been recommended to the head agents by Mr. Bradburne, the private secretary of Sir Arthur Guinness. On the contrary, the conducting agents say they do not know of any such solicitor as Mr. Barlow. I do not deny that Mr. Foster is ill; he may be ill; but all I know, and all I say, is, that it has been made very plain to me that his absence is caused by the fear of this inquiry. If it were not so, then it was incumbent upon those who are acting for the sitting Member to produce member after member of Mr. Foster's family (who were proved to be within call of this court-house, this inquiry lasting over nine days) to show me that he was not absent from that cause, but that he was absent because of illness, over which he had no control whatsoever. But what turns out on examining the evidence? The man who went to Foster's house, upon the morning of the 26th, says that he was told at the house that Foster had left for England upon the previous day, namely the 25th. This court having commenced its proceedings upon the 23rd, and the whole case having been opened here on the 23rd, Foster flies upon the morning of the 25th. Does any one expect that I am to be deceived by such a flimsy pretence as that? Again, during the progress of the trial, another effort is made to subpoena this man so absent. And what are we told? The lady at the house says that he is gone to France. Scarcely is the evidence given when a lady, I suppose the very same lady, his sister, deposits in the box at the Registry Office, from which it is brought here within 15 minutes, a letter purporting to be written by that identical Mr. Foster, which is dated from Torquay, in Devonshire. Where is Mr. Foster? "Echo answers, 'Where'!" No attempt is made by the sitting Member to produce him. He is in the rank of a gentleman; he holds a public office, though how long he will continue to hold it is another thing. He is known to Sir Arthur Guinness, who met him on one occasion (though I lay no stress on that) at the Inn's Quay committee. He is not a member of the Amicable Club, but Sir Arthur Guinness thought he was, and, moreover, thought he had met him there at dinner. Whether they receive strangers or not, I do not know, but if they do, it may account for the fact that Sir Arthur Guinness was under the impression that he met him there; but Sir Arthur Guinness, giving his evidence with every frankness, and concealing nothing (I should be glad to repeat that as often as possible—I am convinced that he concealed nothing), said that he believed that Mr. Foster was a member of that club, that he had met him there at a dinner. That institution, like many other institutions in the country, is for loyal and social purposes. Sir Arthur Guinness mentioned that Colonel Taylor, the Member for the county of Dublin, and many other gentlemen of rank and position in the country, are members of it; therefore it was no discredit to meet Mr. Foster there. But all those are circumstances that

that would make it the more important that this Court should have been supplied with every possible information as to what had become of Mr. Foster, and where he was; but no such thing was attempted. This Mr. Foster is a committee-man and canvasser. He is enjoined to canvass, and he does canvass, and he has three men upon whom he relies; as to two of them, Mr. Heron called attention to the fact that they came very characteristically from a mad-house—a lunatic asylum. Those were, I think, Kempe and Noblett, from Dr. Duncan's lunatic asylum. Foster, who is an officer in the Registry Office, is very particular in recording his attendances; and by a reference to the book kept in the Registry Office, and entered by himself, he appears to have been only absent on the eventful day of the contest, from 11 to 12 o'clock. It is always desirable that a pure man shall be able to show that he is absent from where impurity has been perpetrated, and accordingly, but for the ray of light, which finds its entrance into 76 Capel-street, we should have been all under the impression that Mr. Foster was attending to his duties in Henrietta-street the whole day of the election, except for the short period when he was allowed to go and record his vote. But such are the erring means by which we sometimes arrive at our conclusions. Foster was in no such way engaged, for having the previous evening arranged with Watkins, Kempe, and Noblett to meet them in Dorset-street at early morning, Foster consigns those three men to the front parlour of 76 Capel-street; he visits them to see how they were getting on between 11 and 12 o'clock. It is no great distance from Henrietta-street to 76 Capel-street, and he went, anxious that their health should not suffer by too much confinement, about 10 minutes after the close of the poll, to tell them that their vocation was gone. What more? Mr. Foster, well knowing Mr. Forrest, who is one of the principal printers for this great election, and who is entered in this book in a very remarkable manner, as being the owner of the house at 76 Capel-street, goes to him and says, "I shall to-morrow want two rooms, a front and back parlour; I shall want them for a friend of mine, Mr. Marquis, who is to carry on there some very important commercial business." We must assume that, because Mr. Foster got labels printed to the number of 25, upon which he had carefully printed "Offices of Mr. Marquis," he received them from Mr. Forrest; he paid for them with other circulars which he got printed, to which I will presently call attention, one of them being that relating to 3 Dame-street, and he said, "I will call in the morning, and you will give me possession of the two rooms"; and Forrest, being interested in the cause, said, "By all means, I agreed for a pound note for the use of the two rooms, even at the risk of disturbing another gentleman, named Donaldson, who was over on business in connection with steam engines." Forrest roused him and told him he should be up at once, that there was a very early bird coming there, and he should make way for him accordingly. Mr. Foster engages the rooms and gets those labels, and Marquis appears in the morning. "Mr. Marquis's Offices" are put on the door, and he has with him a young gentleman, who seems to have been fashionably attired, and they go into the bed-room, and in the bed-room they stay the whole day. They do not even look for any refreshment, but they keep the door locked, and are there the entire day, while Foster's other satellites—those three men, namely, Watkins, Kempe, and Noblett—are posted in the next room, two of them not being able to read or write; but all most attentively listening to Watkins whilst he is perusing the list of the county of Dublin electors. To prevent their being disturbed in those studies, a chest of drawers is taken out of the bed-room and placed between them and the cross door. A young man is in the hall, and during the day the transactions take place to which I will presently refer.

Now I think it is established, beyond the possibility of a doubt, that Mr. Foster, the member of the Inn's Quay Ward committee, the gentleman who proposed to establish the working committee, the gentleman who was a member of that working committee, was the person who plotted, who laid the plan for, who designed the whole of this transaction at 76 Capel-street, where, as I shall presently determine, beyond yea or nay, ten men, now known by name, were bribed. Mr. Butt, with that frankness which characterises him in discussing any question of law or fact, said that "it did not admit of a doubt that bribery of the most flagitious kind had prevailed there"; and either Watkins or Kempe, when examined, says that at least 30 men went behind that chest of drawers which they called a screen, presented a ticket at the opening in the panel, and received from an unknown hand an envelope, which in every case contained a 5*l.* note, after they had voted for Sir Arthur Guinness.

Now, Foster having so contrived this transaction, who are the men whom he employs? I am told that Foster is not an agent, because he is only a committee-man; but I have shown that, independent of all cases, by the acts of the conducting agents of Sir Arthur Guinness, every member of this committee is solicited to be a canvasser, and not a canvasser in the sense of merely asking "How are you going to vote"? It was said by Mr. McDonogh that it would be hard to hold a candidate liable for the acts of such a man; and I agree with Mr. McDonogh, that those are questions of degree, and that common sense must have play in such matters. But here are the committee, who are solicited and urged to canvass, and to take care of the freemen, and are warned of the incalculable importance of bringing them up. Certainly that was within the rule laid down by Mr. Justice Willes at Windsor; within the rule laid down by Mr. Baron Martin at Norwich; and within the rule laid down by Mr. Justice Blackburn at Bewdley. There is not the shadow of a doubt that a canvasser of this description is to the fullest extent capable, if he transgresses the law, of making the candidate liable. I do not say under an indictment, nor for the penalties which are imposed by the Act of Parliament, if they are sued for in

Dublin City.

a court of justice, but for the Parliamentary consequences of their acts; and why? According to my mind, because it is for the public weal that a man shall not hold that which he has obtained by the very corruption of which the public have a right to complain. Otherwise, what would prevail? I said that if 105 votes were taken from Sir Arthur Guinness and added to the poll of Sir Dominick Corrigan, the whole position of the election would be reversed; but if Sir Arthur Guinness were not held accountable for Foster's acts, Foster might be proved to have put into the hand of every one of those men a 5*l.* note, their 105 votes would be the votes which place Sir Arthur Guinness at the head of the poll, and yet he should hold that which was obtained by those very means, which Mr. Locke said, "cuts at the fountain of public security," tampering with voters; which Sir William Blackstone one century ago called "The infamous practice of bribery," adding, "Nothing is wanted to put it down except resolution and integrity to put the law in execution."

But if that were not sufficient to make this Foster an agent, as I consider it amply did, who is Watkins? The period which has intervened has enabled me to look over those books, and what do I find? "William Watkins, canvasser, 4*l.*" In some respects this book is a melancholy book, in other respects I protest it is as amusing as a light novel. The rapidity with which merit and desert is rewarded, and how men grow, if not in wisdom, certainly in fortune, during the few days which precede a contested election, never was more happily illustrated than by the pages of this volume. A man who commences with a guinea has his merit rapidly seen, and he is a 30*s.* man. Then his great energy and capacity are properly considered, and he mounts to three guineas, and again he goes to six guineas. The inverse proportion with which those calculations are made is perfectly startling. But Watkins is a canvasser at 4*l.*, and the very same Watkins is a tally agent at 1*l.* 1*s.*

Now, I called attention in the instructions to the words, "Tally agents," and I said, in connection with that, I would mention the name of Watkins. What is the business of a tally agent? It is to bring voters to the poll upon the day of polling. I do not doubt that Watkins could have been a tally agent upon that day. In one sense he was worth a dozen tally agents; he was guarding the outer room in which at least 30 or 40 voters were paid the price of their voting for Sir Arthur Guinness immediately after they had given their vote; but whether he is a tally agent or not, in any case he is a canvasser, and he is a canvasser employed by the committee-man who proposes the appointment of the working committee, of which he is himself a member, in conjunction with the names which I have mentioned, one of them being the private secretary of Sir Arthur Guinness. I can entertain no doubt that Sir Arthur Guinness ought to be bound by the acts of Henry Foster and his subordinate Watkins; but then, if they are the agents of Sir Arthur Guinness, this election is gone; I might close the book. One single case of bribery, if established and brought home to the sitting Member or his agents, is sufficient to avoid an election. Why? Because it is for the public interest that a man who bribes, or whose agents bribe, should not continue to represent the constituency. If the candidate has nothing at all to do with the bribery, even by himself or his agents, if the constituency is permeated by general corruption, he shall lose his seat. Why? Because the great public weal is of more importance than the sacrifice to which he as a member of the public is obliged to submit.

But it does not stop there. What are Mr. Foster's doings before this contest? There are two men out of those ten who appear to be rather interesting members of the class to which they belong; one of them is William Walker, and the other of them is William Beckett. Beckett is a man who repudiates the idea of receiving a bribe; Beckett was, and is, and always will be, as he told us, a sincere member of the Conservative party, so far as giving his vote at an election goes; but Walker, who also supported Sir Arthur Guinness at the election, says that he went to the ward-rooms in Dorset-street, that is, the Inn's Quay Ward. I take it he identifies them by saying that he saw there the secretary, Mr. Falkner, one of the three secretaries, and to him he applied for employment. He received the usual answer, "I cannot employ you for money, but we will employ you without money." Higher people than he appear to have acted in the same way. There are solicitors in this case who were paid for their services, and perhaps a more portentous birth than any we are acquainted with are solicitors who actually act without pay. So did Walker. He says he saw Mr. Foster there at the committee-rooms, and he saw Mr. Lawler there, and Mr. Falkner; and he heard from Beckett (this is a curious word which appears to pervade a good deal of this evidence) that "all would be right." That is an observation which may be very innocently used. We may all think that there is a millenium of grace approaching, where everything will be right in the world. Walker, who is one of those thinking and reflecting men of whom Mr. Dickens, in his admirable work, speaks as "never making up their minds until the last moment of an election," said he would rather have the thing from Foster himself; and, accordingly, he comes to Foster's house with Beckett, and Foster said "he would be all right." But still Walker appeared to hesitate, and he said "he could not say anything more to him than he had already said to Beckett," that "all would be right"; "they might depend upon it that all would be right," and accordingly he voted early in the day in favour of Sir Arthur Guinness.

That is the second of what I would call the exploits at this election of Mr. Foster. But does it end there? Mr. Foster is evidently a man who is capable of giving advice; and

Dublin City.

and he, instead of going to the committee-rooms to get information and assistance, appears to have moved in an orbit of his own, and minor lights came to him in order that they might be instructed. Accordingly, Mr. William Johnstone, who performs no mean part in these transactions in one sense (no trifling part perhaps I should say, recalling the word "mean"), goes to Foster early in the case, to do what? To see if he, William Johnstone, could make himself of any use in the approaching election. Is Mr. William Johnstone an agent for Sir Arthur Guinness? I have heard the counsel for Sir Arthur Guinness maintain that Mr. William Johnstone was not an agent for Sir Arthur Guinness. He described himself as the assistant of Mr. Sutton and Mr. Williamson and Mr. Thomas Fell White. He had a special room allotted to him at the head committee-rooms in Dame-street. He had placed under him that excellent man who gave his testimony so clearly and so honourably, Mr. Rudolphus Mortimer. He had associated with him Mr. J. B. Fraser, as a clerk.

That is the second act of Mr. Foster as regards those transactions; and out of that appointment of Mr. Johnstone comes the second class of what I call constructive bribery, namely, the payment of voters made upon a promise conditional on the voter coming up to vote for Sir Arthur Guinness. So that if on the one part Foster is shown to be the active agent, prime mover, designer, and conspirer in the direct acts of bribery which took place at 76, Capel-street, he is the first person who brings Johnstone on the scene, who is made the agent of Sir Arthur Guinness in his head committee-rooms, assisting his principal conducting agents, and the office is given to him out of which his constructive bribery naturally arises, namely, his being told off for the purpose of managing the out-voters. Does it stop there? It does not. Mr. Johnstone comes upon the table, and a melancholy spectacle he was. Sometimes men are driven to shame by being contradicted by a host of witnesses. Sometimes a man's evidence is displaced by evidence from the other side, but this does not belong to that category. Driven by hard necessity, the counsel of Sir Arthur Guinness, after Mr. William Johnstone had been examined, and gone down off the table in such a plight as I do not want to describe, were compelled to produce an independent witness to prove that every word which Mr. Johnstone had sworn was false. I am not putting this evidence one scintilla beyond what it is. Mr. Johnstone swore that there were masses of letters received from out-voters. One person, that worthy man, Mr. Mortimer, from whom, if he had known all the truth, we should have had it, said that 460 letters were received in that office from time to time on this business.—"Where are the letters?" is the question to Mr. Johnstone. "I do not know." "Are you positive you do not know?"—"Positive." "What became of them?"—"They were in a box." "What became of the box?"—"I do not know." "Can you form no opinion?"—"None whatsoever." Before he left the table he admitted that he had told Mr. Bond that he wished this box to be taken away, but he persisted in still saying that he did not know where they were. The next morning Sir Arthur Guinness's agents produced Robinson, the clerk of Bond. It was startling, I believe, to everybody who was not prepared by previous information. Robinson said, "I have the box; I got it from Mr. Johnstone; he told me to take it; he has the key of it; he examined it after he left court here upon the last day;" and Mr. Johnstone is recalled, and admits the whole thing. Can any rational beings be deluded by such pretences? He asks me to believe that the box is in the same state in which it was when he placed it in the hands of Robinson, confessing that, after he had given that evidence upon the table here, he had gone to the box, taken out of it quantities of papers, and replaced some of them; and he expects me to believe it is now in the same state, though he had sworn he did not know of the existence of the box, whilst he had the key of it in his very pocket.

The telegrams are produced to this Mr. Johnstone, and are put into his hands; and what does he say about them? First, he says that he does not know them at all; he does not know the handwriting. Somehow or other it turns out that two of them, at least, are in his own handwriting, and then he swears that only two of them are. I took them up here upon the desk, and travelling over them I at once saw that there was at least one other of them in the same handwriting, and all of them are very like, though disguised. They are put into his hand again, and he admits that the third is in his writing, but that, of course, he knows nothing about the others. Mr. McDonogh, in opening the case for the defendant, could not have known anything of these matters, because he characterised the transaction at 76, Capel-street as an infamous plant; he characterised the transaction at 3, Dame-street as one of the vilest conspiracies that ever was hatched by men to destroy the fair fame and reputation of a young and distinguished gentleman. What turns out to be the case? Fraser is produced, who confesses that ten of those telegrams are in his handwriting. Mr. Mortimer says he brought other telegrams to the office. The course of business was to take the telegrams to the office, and every one of those telegrams sent in the false name of "John Wilson Johnstone" is traced to the office of Mr. William Johnstone, who is appointed assistant agent of Sir Arthur Guinness, and who has been introduced into this foul quagmire of corruption by Mr. Henry Foster. What does that man say in answer to the question, "Who is John Wilson Johnstone?" On his oath, he swears unblushingly that he does not know. Aye, but there is great danger in this. There are honourable men who are excited by elections, and who, if, when acting under excitement, they do a rash thing, or even a criminal thing, feel that there is some principle of honour left to compel them to admit their fault. Such is Mr. Alma, an honourable member of his profession. He came upon the table, and he is asked whether he knows anything about these transactions, and he at once shook his head, and

Dublin City.

said, "I do." I dare say he much regrets that he had any hand in those transactions, but when a man commits a fault (and we are all erring mortals), what can he do but admit it, and feel and express regret? Mr. Johnstone swore that he did not know who was the pretended John Wilson Johnstone. Why, he knew it as well as he knew his own name, that it was Davenport Crosthwaite. Who gave him the first idea of that transaction? Who whispered in his ear that it was desirable to practise one of those things, to engage in what Mr. Burke calls one of the "serpent vices"?

I am now taking those things stage by stage, and step by step, travelling through the whole of the case. Who first introduced Davenport Crosthwaite upon the scene? He also has left this country, I suppose for the benefit of his health. No account of him is given. He, at all events, is a member of the Amicable Club, and he is a member of the committee of the Royal Exchange Ward, as is proved by the document to which Mr. Heron referred me this morning. He is one of that society established for loyal and for social purposes, of which Sir Arthur Guinness is a member. He did not require any introduction, according to his rank in life, for any honourable engagement, and, accordingly, we do not find him going to Sir Arthur Guinness to recommend him to his agents. But who is the person who does recommend him to Mr. Wilson Johnstone? Mr. Wilson Johnstone says he first made his acquaintance on the introduction of Mr. Henry Foster. He came to his office, and he produced to him an envelope directed to Mr. Johnstone, and with the name of Henry Foster on the margin. Therefore, I say, that through every part of this case, through every part of these illegal transactions, you find the trail of Henry Foster.

At first Mr. McDonogh, struggling against difficulties, tried to limit the number of those voters who were bribed at 76 Capel-street to 10; but it came out from Watkins and the two other men, Kempe and Noblett, that at least 10 went in in the first two hours behind the screen where the money was given out. I find that a man of the name of Noblett (I do not know whether he is the same or not) is down on the counter page to that on which Watkins appears, and he receives payment. It comes out that at least 30 went in; but, says Mr. Butt, "There, at all events, the corruption terminated, and there is not a particle of evidence that it extended beyond that." Is that so?—Why did Mr. Foster get 25 labels with the words "offices of Mr. Marquis" printed off? He had printed off labels upon which were "offices of Mr. Marquis." As to Mr. Marquis being in existence, or whether he is some other Davenport Crosthwaite, or John Wilson Johnstone, or some other person of that kind, no human being can tell; but he gets 25 labels printed, and he takes them with him, and he puts upon one place, which has been discovered, the label of "Mr. Marquis's offices," and he puts up in that one room three or four or five of them, it all being a perfect piece of legerdemain. But he still carries with him the remainder of those labels. It is not in proof that there was any other "76" in Abbey-street, or Britain-street, or Talbot-street, or any other place in the city adjoining the polling booths; and if it stood upon that supposition in that way without evidence, of course I could not pronounce adversely to the sitting Member; but if I had a jury assisting me in this case, and if I left to them the question whether these labels were not printed for other rooms, I believe that any 12 gentlemen of sense in the community would come to the conclusion that they were; 30 or 40 voters were directly bribed in 76, Capel-street, to induce them to vote, or in consequence, of voting for Sir Arthur Guinness. May not some one or two batches of 30 or 40 have been bribed in one or two other places selected as "the offices of Mr. Marquis" by Henry Foster, and then might not the citizens of Dublin fairly conclude that the representation of their city was snatched from their hands, not by legitimate, but by illegitimate and corrupt means?

It is said by Mr. McDonogh that Kirk voted without any previous communication. That is not the case. That was a mistake on Mr. McDonogh's part. If Kirk was speaking the truth, he was addressed before he voted by Campbell, who asked him what he would give him if he got him 5*l*.; who told him that money was going, and who told him that a card would be put into his hand, and who gave him the number "76, Capel-street." It seems, if this man is speaking the truth, that a card was put into his hand. By whom? By a young gentleman. Every witness deposes that the cards were put into their hands by young gentlemen. It is a very remarkable circumstance, not as imputing any intention to corrupt to the gentlemen who conduct this case for Sir Arthur Guinness, but I say, as tending to corroborate the story told by those 10 men, that Mr. Thomas Fell White, who is an agent for Sir Arthur Guinness, as confidential as Mr. Sutton himself, though acting under Mr. Sutton, says "Mr. Sutton, Mr. Williamson, and I appointed a number of young men to bring the freemen to their booths." The freemen say that they were addressed by young men. Kirk says that a young man preceded him whilst Campbell followed him and pointed out to him the booth, and when he came out slipped a ticket into his hand. Is it true that he got the ticket? Were the tickets going? Were they railway tickets? Now I corrected Mr. Hemphill on the last day, and I was wrong in correcting him; I said that that young man Hawkins, who was in the hall, and who was employed by Mr. Forrest, did not say that they were railway tickets, but that they were tickets. On going through the evidence, I find that I have erroneously corrected Mr. Hemphill, whose better memory made him more accurate, and that Hawkins in the employment of Forrest, the printer, who is in the employment of Sir Arthur Guinness and his zealous partizans, said that the men who came to the door had all of them railway tickets. Is that corroboration?

It is said, and truly said, that those men were all acting under the influence of money; they

Dublin City.

they had been offered rewards; hopes had been held out to them. They expected to make, what was to them, a little fortune, if they can establish this case for the Petitioner. That is true; if a jury were here to consider their evidence they would take that into account, and allow it to have weight in determining the conclusion at which they should arrive; and I, in the complex position of judge and jury, am bound to consider that circumstance and to give it weight; and if the evidence were doubtful and were not corroborated, and if the story was not in itself sustained by every description of evidence which can give weight to testimony, if it stood alone and unsupported, it would be our duty to reject it. The money is offered. The parties acting for the Petitioners have been obliged to have recourse to these means; but I must say that for an impure means it could not have been placed in purer or safer hands than those of Mr. Fitzgerald; and that I know is the feeling of the gentlemen upon both sides of this Court. It is necessary often for the ends of justice to have recourse to such means; our laws authorise it. When crimes are committed, it is one of the means of detection. Offers are every day made by the authority of the rulers of this country to persons who will give information which will lead to the detection of crime. The very Acts of Parliament under which I am sitting here to-day hold out inducement to obtain such information. How? Because, whilst they proclaim penalties against persons who are guilty of those offences, they also provide that, if you give your evidence to the satisfaction of the Court, you shall receive a certificate of indemnity. Every reader of Roman history will recollect that through the ages which mark the most glorious period of the Republic of Rome, there was one continuous struggle carried on against bribery; it being felt by the greatest and the most virtuous men who ever adorned that State that if bribery were not put down bribery would destroy the Republic; and accordingly by the Julian law, the law *de ambitu*, it was provided that whilst a man forfeited all his civil rights and privileges by the commission of bribery, if he disclosed the facts, and brought to justice any other person who had been guilty of bribery, he was restored to his position.

Am I, with such precedents as these in the laws, ancient and modern, and in the very Acts of Parliament under which I sit here, altogether to reject the evidence of those witnesses because they admit themselves to be participators in the corruption? Perhaps I put the law too strongly when I told Mr. McDonogh that he might consider them in the light of accomplices, and that so they would require to be corroborated; but for the purposes of this inquiry I do not withdraw that observation, because I say that if this were a trial for felony they have been sufficiently corroborated. What is the corroboration of Kirk? In the first place, he says he got a five pound note and he went with it to the printing office, where he was employed, I think Mr. O'Toole's printing office, and there he sees Moloney, Donne, Johnstone, and Mr. O'Toole. A noise arises in the office, and Mr. O'Toole, the proprietor of the establishment, rushes in and asks what it is all about, and they all cry out, "It's the money he got for voting;" and he produces the five pound note *eo instanti*. That is the cotemporary evidence. What takes place; the most natural thing in the world, "Ill got, ill gone." The man who took the bribe proceeds to spend it in drink upon his fellow-workmen; he goes down to Ryan's public-house to give a general treat to them all, and he produces the five pound note at Ryan's public house and pays for the treat; and the man who changed the five pound note for him upon that identical day is produced here and proves it. But he acted as canvasser and had a card. He says he gave that the following day to Johnstone; and if this case stood upon that evidence about the card and the three men, Mr. McDonogh's observations would have great force, impeaching the testimony of Kirk, and I should be probably obliged to say there, as I have said in other cases, "Not proven." He tells us that he was very drunk and he gave this card to Johnstone, and Johnstone went to the committee-room. He says there were a number of gentlemen there, and he got a card and was told to go down to Mr. Byrne's of Lombard-street, and that he went to the private entrance of Mr. Byrne's house, he having a pawn office adjoining, and that after waiting a few minutes and looking in, and seeing something like a desk or a table, whether on the left or the right he cannot say, he got 3 *l.*, and vanished with it and gave it to Kirk, who says he got it. What interest has Johnstone in telling us that story? Was it to supplement Kirk's testimony? Was not Kirk's testimony complete without it? If Kirk stopped with the five pound note it was unimpeachable. I admit that it is susceptible of very grave and serious observation, and that if I disbelieved the whole of that transaction it might throw some doubt upon the previous testimony. That is the way in which it is put by the counsel for the sitting Member. But on the other hand I am not to lose sight of the surrounding circumstances; may he be mistaken in some of the circumstances, and be speaking truth as to the main fact? May he be depositing to some other house? I am only putting the possibility; may he have taken some other entrance to be the entrance of Mr. Byrne's of Lombard-street; may he be merely mistaken as to the day? Mr. Byrne is called as a witness. He is the active partizan of Sir Arthur Guinness. Let not that tell against his veracity; I do not think that it should. His wife is called as a witness; her testimony is unimpeached. The servant, who was engaged in the house that very day, is called, and she too speaks to circumstances which are inconsistent with the testimony of Johnstone. One of the clerks in the pawn office, and one only is produced; two others are not produced. But the family of Byrne have been seriously active in this matter. A large sum of money has found its way amongst them, 45 *l.* or 35 *l.* for printing lists, and 100 *l.*, which I will not refer to any further. A sharp and active young fellow might do a good deal of mischief which it might be very hard to identify afterwards. I will say no more; I believe the evidence of Kirk,

Dublin City.

although it is contradicted by the testimony of Campbell; but the evidence as to the transaction of Johnstone should have been exhausted by the evidence of the other two clerks, one of whom was at Newbridge, only 20 miles from the city of Dublin. They should have been produced and put upon the table before I could be asked altogether to discredit the charge.

Let me take the case of Butler, and deal with that. He says that he breakfasted with Beckett; that is admitted. He went with Beckett to the poll; that is admitted. He says Beckett told him that if anything was going he would get it for him. Beckett is the friend of Foster, and he brought William Walker to Foster's house. Mark that! Butler swears that he got the 5*l.* note, he and Beckett entering the house at the same time; that both their wives followed them; that they went out backwards, and rejoined their wives in front; that they went past 76, Capel-street. He denies that they went into 76, Capel-street, but he admits that the party of four (and it is before me as clearly as if it were photographed) went on that day, of all others, to buy two new hats, which neither of them intended to wear, and did not remove from the hatters until four days afterwards, to Castle-street, where Beckett changed a 5*l.* note, as is proved by the clerk of the gentleman in whose house the hats were bought. After that they proceeded, still in company with each other, to another part of the city, and they came down to Bolger's, another public-house in Henry-street, and there the whole party are assembled, and Butler treats them as they had treated him at Judge's, I think on Cork-hill, and he produces another 5*l.* note, and it is changed for them, and the price of the treat is taken out of it. Is that all? The shopman who changed the 5*l.* note said, "I asked him, when he handed me the 5*l.* note, had he voted; and he laughed." What is more, that same clerk, whose name is Thomas Brady, proves that he changed, upon the identical day of the election, three 5*l.* notes for Cathrens, another of the bribed men, for Butler, the man to whom I am alluding, and for Hagerty, and Beckett, who denies all knowledge of this transaction, except that he admits that Butler paid for the treat, that he paid for Butler's hat; that they went with their wives and bought bonnets afterwards, and travelled backwards and forwards together in the city that day. Brady, an unimpeached witness, says that Beckett was with Butler at the time when he changed the 5*l.* note.

But what about Walker? Walker tells us that Foster was at Green-street upon that morning, and that he called aside Hassett, who was another of those parties, and that they all went in to vote, and that then Hassett told him that 76, Capel-street was the place to get the bribe; that he got it there. And he says he changed the 5*l.* note at Keegan's, and that Hassett and Hopkins were with him. Francis Winter, the shopman at Keegan's, is produced, and he proved that Walker and Hassett changed two 5*l.* notes on that day; that one 5*l.* note was changed by Walker, and that one of the other two men, one of whom was Hassett, changed also, upon that occasion, a 5*l.* note. Hassett denies that he had a 5*l.* note at all. Which of those two am I to believe?

John Wilson, the younger, says that Campbell asked him, "What will you give me out of the 5*l.* if I get it for you?" And he (Wilson) said he would give him 2*l.*; and he says that he absolutely went to 76, Capel-street and got the 5*l.*, and brought it back to Campbell and gave it to Campbell, and that Campbell gave him four half-sovereigns and a sovereign, making the 3*l.*, and kept the other 2*l.* for himself. I am told that that is unlikely, because Campbell is in a position which puts him above what is described to have been treachery to Sir Arthur Guinness. Does any reasonable man think that those who are traitors to society and to themselves will not be traitors to their employers?

It is sought by Mr. Butt, with his usual adroitness, to get rid of the evidence of those Wilsons by saying that young Wilson said he did not introduce his father to Campbell, and the father says he did introduce him to Campbell. "No," says the young fellow, who was examined first, "I went away as soon as I got my money, and I saw some one making a sign, or something of the kind." Is that a contradiction which is to dispose of Wilson's evidence, and of this evidence coupled with the corroboration to which I have been alluding. The father swears that he also went up to Campbell. Steed is the man who got what he calls "the tip" from Wilson, and so he proves. Is not this a corroboration of Wilson? But suppose one cannot corroborate the other. I think Steed says, having got "the tip" from Wilson, Campbell told him first to go to hell, but that afterwards he told him what he meant by that locality. Then Campbell comes and swears that there is not a word of truth in it. He swears in terms of imprecation which would horrify any human being; and am I to take his solemn adjuration in the teeth of those 10 witnesses? I know that evidence is *non numerandi sed ponderandi*, but "*numerandi*" or "*ponderandi*," I do not believe one word of what Campbell swore. He tells us how he lives; and heaven help the men who trust their honour or their right into the hands of such a fellow. He says he is the inspector of the North City Registration. What is known about him? Referring to this election book: his name is down under the head of "General Agents." What has he been? Mr. Thomas Fell White says that Mr. Goodman, who is the person who has managed the whole of this registration, mentioned Campbell to him (that is to Mr. White) as a man "thoroughly acquainted with the freemen." Mr. White goes to Green-street, and what does he say about Campbell? "He saw him bustling about," he says; a very remarkable expression. What was Mr. Campbell doing on the morning of the election? He was assisting Mr. Goodman on the very morning of the election; what does he say of himself? "It was my duty" (mark the words) "to see that the parties who were employed brought up their men to the booths; and I was there from eight o'clock in the morning until five in the evening; and I held the same post at the previous contested election." I believe he did, but I do not think

think he ever will again, for I feel that any man who seeks to represent the city of Dublin, whether he is disposed to represent it upon honourable principles, as I am certain Sir Arthur Guinness was, or whether he may be minded, as other men have been minded, to obtain the representation of the people by illegal means, will avoid Campbell. What more do I find about this man? In this book, which throws a remarkable light upon every part of this case, I find William J. Campbell named here as a paid agent. In the next place, his car-hire was paid before the election, and out of this fund. The election took place on the 18th of November, and his car-hire is paid up to October the 25th out of this fund, and altogether independent of Registration Society.

But what is the use of trying to involve this case of the Conservative Registration Society, and the acts of the men who were employed under Campbell, and Campbell himself, in clouds and darkness? Mr. Goodman says, he transferred his men to 47 Dame-street, at the head committee-rooms, but the impression sought to be made upon my mind by that statement was this, that although at 47 Dame-street, they were working, they were only, as it were, completing the task begun at No. 3 Dame-street; and they were to be paid out of the funds to be provided by Sir Arthur Guinness and the other parties who subscribed for the purposes of the registration.

Then that business was mentioned about taking their I O U's, in the absence of Mr. Goodman, and Mr. Goodman coming back and saying, that he did not want any I O U; that it was a perfectly legal transaction to pay them for their labour; I turn to this book, and I find that Mr. R. L. Hodgson, who is the agent of this Conservative Registration Society, not produced, although in court during every day, on October 7th makes the entry "To pay clerks, 80 *l.* 14 *s.* 8 *d.*; 17th October, ditto, 70 *l.*; R. L. Hodgson, to pay clerks 24th October 80 *l.*; ditto, to pay clerks 75 *l.*" All those are struck out of the first portion of this book, which is a remarkable circumstance; but when I turn to the last item under the head of "Expenditure," at the Central Committee Rooms, I find that every one of them is paid every shilling, not out of the funds of the Registration Society, but out of the funds passing through the hands of the agents for election expenses; "October 10th, R. L. Hodgson, to pay clerks 8 *l.* 11 *s.* 8 *d.*; 24th, 57 *l.* 1 *s.* 6 *d.*; 31st, 82 *l.* 8 *s.* 4 *d.*; November 7th, 88 *l.* 6 *s.* 2 *d.*; 14th November, 52 *l.* 9 *s.* 2 *d.*; 21st, 140 *l.* 16 *s.* 8 *d.*: I have taken the trouble of totting up the four first items, and they are identical with the items struck out in the other part of the book.

Who are those clerks? One of them is the very man about whom so much has been said, J. B. Fraser. Although he was put in another room, he was transplanted by Mr. Hodgson from 3, Dame Street to 47, Dame Street. Campbell and his 20 men are in the best room of 47, Dame-street, the drawing-room, to which the agents have recourse, and to which the voters have recourse, and he and they are engaged every day in that room. Is he engaged in making out the lists? They were completed, according to the evidence, on the 12th or 13th of November, and Campbell's special vocation, as he himself swears, was then receiving the reports from the canvassers who were employed in testing the opinions (as we will call them) of the freemen voters. Such is Mr. Campbell, and I prefer to leave him.

I am, therefore, of opinion that it has been proved that ten men, who are named, were bribed in 76, Capel-street; that it has been proved that they were freemen; that it has been proved to my satisfaction that there at least some 30 men were bribed by the same machinery. I have reason to believe, in the words of the statute, that many more freemen were bribed there or elsewhere, and that that was done by those for whose acts Sir Arthur Guinness, though they were not personally committed by himself, is liable under this statute and before this tribunal.

The second case, to which I now come, is that of the persons who I said were tampered with by Robinson. That man appears to have been formerly on the Liberal side. It does not matter a jot on which side he was; but that is the history he gave of himself. He mentioned that he had some cause of quarrel with somebody, and that induced him to go to the other side. At all events, he is a person of some means, for he has a loan-office in the city of Dublin. The first time he appears on the scene is in company with Mr. Goodman. He goes to Mr. Goodman with an introduction from Mr. Purcell, the barrister, and he says, "If your gentlemen" (really it was hard to understand him) "will trust me —"; and there he stopped. We all, in our school-boy days, recollect what an *aposiopesis* was. He said, "If you will trust me"; then he must have asked Mr. Goodman to let him into his confidence, and to tell him who were the unpledged voters. It is quite idle to suppose that people are not to exercise their reason upon these matters, or to arrive at a conclusion, unless there are pieces of evidence to fit in as closely as pieces of mosaic. He must have asked Mr. Goodman for the lists of unpledged voters. Why? Because Mr. Goodman gave him a letter addressed, not to one ward, but to 18 wards, to the secretaries of all the wards, in these words, "Allow Mr. Robinson, the bearer of this letter, to see the unpledged voters in your ward." Now if it had said "voters" only, or "lodgers," or "rated occupiers," or "freemen," it might have been different, but it is let him see the *unpledged* voters; that is to say, the voters who have already been canvassed and have declined to promise. The construction put upon that letter by Mr. McDonogh may have been the true one, and I daresay was the true one in the mind of Mr. Goodman; but if you give instructions at large you must take the consequences. Far be it from me to impute any corrupt purpose to Mr. Goodman. I may have thought in the progress of the case a little hardly about one or two things which have turned up about him, but I should be sorry to impute any corrupt intention to him, and I should be

Dublin City.

sorry if any such impression remained. Armed with this document, this man, influenced by vindictive motives, immediately goes, and I suppose he gets the information that he is authorised to obtain. We find him next admitting that he went to a voter of the name of Dogherty, who, he believed, was a Liberal, and would vote on the Liberal side, and he said to him that he thought he could get him employment if he would come to the side of Sir Arthur Guinness. The very fact of his saying that, if he was an agent, is of itself a corrupt offer within the meaning of the Act of Parliament, and we need go no farther. Where does he appoint with Dogherty to meet him? Under the portico of the Post Office. The committee-rooms are in Sackville-street, and the mural literature of elections make such places more conspicuous at times in their ugliness than the handsomest façade of a public building. He goes there in a cab, and he asks if Dogherty is there? There is no Dogherty, but there are a number of men who are deeply interested in the coming contest—"thoughtful and reflecting men," as Mr. Dickens calls them. He says, "Who are you"? and they say "We are freemen"; and he says either "Lead on," or "Follow" (it does not matter which); and accordingly they go to the scene of action at the committee-rooms, where Mr. Boughey and the other persons are. What does he then do? In answer to me, having had time to deliberate, he says he went there for the purpose of procuring employment for those men whom he had never known anything of before, except that they were freemen, and he, in distinct and positive terms, admitted he was to get them employment in order to induce them to vote for Sir Arthur Guinness. Those are the very words of the Act of Parliament, "to offer to procure any office or place or employment in order to induce the voters to vote." He spoke out of the very statute itself, when he gave his testimony that he did that for the purpose of inducing them to vote for Sir Arthur Guinness. He pulls out of his pocket a sheet of paper, and upon that there are 18 or 19 names, some of them not present; but he says he took their names from their relatives and friends who were present, and who wished that they too should be participants in the employment which he was to get for those who were present. Then he says, "Will you rely upon me"? and one of them, who is a man of the name of William Field, says there was at once an exclamation, "We will;" one unanimous shout—

"With loud acclaim they hail the day."

They were satisfied; conviction was brought to their minds, and they would all vote for Sir Arthur Guinness; and the moment he heard that, he said with great *naïveté*, "I did nothing more about the employment when I found they were secure." What takes place then? They said to him, "Mr. Robinson, when shall we see you again"? "When shall we three meet again"? "When shall we see you again, Mr. Robinson"? said these freemen; and he replies, "In a week or ten days," and he admits that. Mind, this is the testimony of Robinson—this is not the testimony of the much-abused freemen. In his trial, the abuse of the freemen has all come from the people for whom they voted, which is the most curious thing in the whole matter. Campbell says he was pestered the whole day with them; that they were perpetually asking him for money. Mr. Thomas Fell White says that 30 or 40 of them came to the central committee rooms in Dame-street, openly asking for money for their votes, and he says that in reply to that request some of those who so solicited payment for their votes were told that they could not get it, but that they would be "gratuitously employed." Now, I want to know what were they to see Robinson for "in a week or ten days." They had never seen him before, as far as we can understand, and he had never seen them before; they had no interest in him, but he had this interest in them, that he wished to persuade them to the better side, and accordingly he was anxious to get them employment, as he says, to induce them to vote for Sir Arthur Guinness; but when he found they were certain for Sir Arthur Guinness, he did not think of the employment. Am I to take it that they were to see him in a week or ten days as on a friendly visit, to inquire about the state of his health, or what was it? I was anxious to know, and accordingly I asked the witness himself, and the only answer he could or would give me, on his oath, was that he could not tell me what was his own meaning. Therefore, I am driven to put a construction upon that; and, strange as it may appear, with the small assistance which he has afforded me for piercing the recesses of his heart, I think I know what he meant and what they understood him to mean. But there is a light thrown upon it by the evidence of another witness, and that is the Prussian, Cremer, who is, though a foreigner, upon the registry. We all know that on the continent constitutional privileges are of very recent and modern creation, especially in Prussia, and therefore Cremer, who has been 18 years in this country, may be excused if his early education did not teach him that the franchise was a trust; certainly, when he came upon the table he thought himself the most injured man in the world for not having received what he considered the fair price for his vote. Robinson said that he had known him for a long time. Therefore, there is no reason why they should not come together. Robinson said he lent him money several years ago, and that some of it is still due. That may be true or not, but he says he met him and asked him whether he would vote for Guinness and Plunkett; that some other person had been at him in the other direction, and Cremer said he would like to know something about it; and Robinson said if he would vote for Sir Arthur Guinness he would be "all right" (again that expression comes upon the scene) "after the election." Accordingly he votes for Guinness and Plunkett, and he says, "I really think I would have voted for Mr. Pim, for he was a good employer, and I am a capmaker, only for the promise I got." He is asked, "What was that promise?" and he says, "I expected to

Dublin City.

to get a 5*l.* note. He calls on Robinson the day after the election (and this is not contradicted by Robinson) and what does Robinson say?—"That he is to keep quiet for 21 days." Now that is a very remarkable statement coming out of the mouth of a foreigner, coming out of the mouth of any man of humble degree. If it was an invention why did he not say 20, the even number? Why did he fix on 21? Why not say 20, or 10, or 7? It would be nearer the consummation of happiness, the receipt of the money if it was 10 or 7 days; but he says 21 days. Why? I think I have an answer in this Act of the 31st and 32nd of the Queen. The time for presenting a petition to Parliament is 21 days from the return of the writ into the Crown and Henaper Office. A man of the intelligence of Robinson communicating with the committee rooms, and knowing there was an alarm about a petition, might readily enough hear that; by why should it come into the head, or into the mouth of Cremer, the Prussian, who was engaged in making caps at the time he voted for Sir Arthur Guinness? I believe Cremer. He wrote two letters; he says he wrote a letter first to Robinson, saying he would rather have a few pounds now than wait for the 21 days. I protest it is scarcely possible to go through this evidence without being struck with the ludicrous aspect in which it appears. He told him he would rather have a little down than wait for the 21 days; he gets no answer, and he writes another letter, and he sends it by a gentleman, whose name he gives, and who could be called if he did not do it. He got no answer. He went to the private residence of Robinson. Why should he go to the private residence? Robinson gave him his card, with his private residence, which he produces on the table. He went to the private residence, and he could get no satisfaction from him except this, that he said there would be some money going, and that if there was he would take care of him. Robinson admits that he gave him his card before he voted. Why did he give him this card? He knew his place of business in Swift's-row. Why did he give him this card, with his private residence? Robinson again tells us, on his oath, that he did not know what Cremer wanted. And again I am driven to arrive at a conclusion, and I do arrive at a conclusion, and that is, that Robinson was engaged in endeavouring to obtain this man's vote by corrupt promises, no matter how indirectly made; and the more indirect they are, the more it is for the interest of the public that they should not prevail, in order that it may be seen and felt, that no matter how crafty are the devices, no matter how subtle the intellect—

"Look like the innocent flower,
But be the serpent under it."

the law is too powerful, and will prevail.

Then McDonnell is called as a witness, and it is said, "Oh, he has told an improbable story, that when he was canvassed by Copeland, a hand was put up, and that he interpreted the five fingers as meaning 5*l.*," which cannot be true, because Copeland denies that he ever did anything of the kind, as well he might, for when I refer back to the evidence, I find that it is not Copeland who was stated to have put up the five fingers, but a man with Copeland who put up the five fingers, in the presence of Copeland; and Copeland is produced to contradict what was not sworn against him, whilst the man against whom the evidence of McDonnell is given, is like the other witnesses in this case who are not produced, out of Court.

Upon that head of charge, I come to the conclusion that Mr. Robinson, so authorised by the letter of Mr. Goodman, who was an agent in every respect of Sir Arthur Guinness, was himself an agent of Sir Arthur Guinness for the purpose of that corrupt transaction with those men, and that those freemen were so practised upon by him, and that Sir Arthur Guinness is liable for his acts in the same sense which I specified before; and so I shall report to the House of Commons.

I now come to the two individual cases, namely, those of Alexander Fergusson, and John Kelly, which I called young Mr. Vance's cases. Those cases rest upon the testimony of those two witnesses; Fergusson is a working goldsmith or silversmith, and he says that on the morning of the election, young Mr. Vance, who is down in this book as a canvasser, and a paid canvasser, goes to Fergusson, and Fergusson says, "I would like to have my rent paid, it is due." "Well," said Vance, "You will work for it if we want you?" "Yes," was the reply. "Well, come on, then, and vote," said Vance. Fergusson said, "Well, if I am going up to vote, I would like to have payment for my loss of time"; and Vance said, "That will be all right too." They go then to another committee-room, at No. 77, Dame-street, where, beyond a doubt, Alderman Manning and some of the committee were. The multiplying of these rooms is a very suspicious circumstance. There is 47 and 48, Dame-street, and exactly opposite to that is 24, Dame-street, where Mr. Davenport Crosthwaite is closeted. There is 3, Dame-street, from which the regulation men are removed, and there is 79, Dame-street; Fergusson is brought there, and he says that he went into a room to sign his name to one of those papers, and that Alderman Manning slapped him on the back and said, "All right," or something of that kind; "Go up and vote." Alderman Manning says he did not say this, and I believe Alderman Manning either did not say it, or has no recollection of what occurred. What he is stated to have done is a very small matter; but Alderman Manning is charged by Kelly with saying that those papers were to evade the law; Alderman Manning positively swears that he never said anything of the kind, and it would be a difficult thing to believe that a man could have said such a thing without recollecting it. But there is a very easy explanation of the fact; Charles William Godwin, a witness for the petitioner, says that he was brought

Dublin City.

to the same place at the same time with Kelly, and that is was young Mr. Vance who said in the presence of Manning "this was only a thing to evade the law." May not young Mr. Vance have said it, and may not Alexander Fergusson have thought that it was Alderman Manning who said it? The evidence of John Kelly corroborated by Godwin satisfies me that it was said by one or other of the persons then present. I was struck by the circumstance, that while every witness produced in this case was elaborately, and I do not say too elaborately, cross-examined by the counsel for Sir Arthur Guinness, they touched with the most delicate hand young Mr. Vance when he came on the table, I think the number of questions put to him altogether were three or four, and they really amounted to one general question, "Did you offer any place, employment, or reward to any voter in order to induce him to vote at this election?" To which he replied (and it was a most remarkable answer), "Not to my knowledge." That is the contradiction of Alexander Fergusson, and not one question is asked, and not one word by way of contradiction is attempted as to John Kelly. Vance is cross-examined as to what he meant by "Not to his knowledge." But all that he will say is that it was to the best of his memory, and that he would not swear positively; but he says that he did see Alexander Fergusson at 79 Dame-street, where Alderman Manning was, and he only gives that qualified contradiction to the direct swearing of Alexander Fergusson, who afterwards went to ask to be paid, and not a syllable of contradiction to John Kelly, who swears positively that he was promised this money by Vance, and that the conversations about it took place in Mr. Cole's shop, in Mr. Cole's presence. Mr. Cole in like manner is not produced to contradict him, so that the whole of this charge remains untouched, except by a general statement of young Mr. Vance who says, "Not to my knowledge." I believe Alderman Manning to have sworn what he believed to be the truth, but in the heat and hurry, and bustle of an election contest, many a word may be spoken and soon forgotten, and I do not consider that he has given any substantial contradiction whatever to those witnesses whose dealing is really with young Mr. Vance, and not with him, Alderman Manning. I believe that charge is substantially proved against young Mr. Vance, as an agent for Sir Arthur Guinness. He is a canvasser, not to ascertain how a man will vote, but he is a canvasser in the widest sense of the word; authorized to use all exertions with voters to solicit them, and to poll them as soon as ever he can. That is the instruction to Mr. William John Vance as a paid canvasser, and I hold that for his acts Sir Arthur Guinness was responsible.

Then comes the case of Benjamin Warren, and he also is a canvasser; he goes to two men of the name of Richard Jesson and George Booth. Jesson has since died, but his wife spoke as to what occurred in her presence in his case; and the other man is living. They are both stated to have always voted on the Liberal side before. Warren had charge of the district in which this man Jesson lived, and the wife, Mary Anne Jesson, said he told her husband that he would be decently treated, and that he would be handsomely rewarded if he voted for Sir Arthur Guinness. That is corroborated by her son, Joseph Jesson. The boy was produced on the table. She says that the man Warren was introduced to her husband by a freeman named James Hall, who was present at the conversation, and who could have been produced to contradict her and her son, if they were swearing what was not the truth, but that James Hall was not called; and upon that testimony, and considering the demeanour of the witnesses who gave it, I arrive at the conclusion that that charge is proved against Benjamin Warren.

The charge against George Booth, perhaps, would not have weighed very much if it had stood alone; but the words being in his case the same as those which were used in the other case, I arrive at the conclusion that he also is swearing the truth.

That disposes I think of all the individual cases, and there remains but one other, with which I shall deal as rapidly as I can, namely, the case of the electric telegrams. It is clear and settled law, as laid down in the case of Cooper and Slade, which stands unreversed, reported in the 6th House of Lords Cases, recognised the other day in the able judgment of Mr. Justice Willes to be still law, and not, in my opinion, in any way touched by the provisions in the subsequent Act of Parliament against the paying of out-voters' expenses, as contained in the 17th & 18th Victoria, and re-enacted, except as to Galway, Cork, and Limerick, by the 31st & 32nd of the Queen. That case decided what I should have thought was plain and palpable law under a wider and larger proposition, that a promise to pay the travelling expenses of a voter, conditionally upon his supporting a particular candidate, was a bribe. That is law, as held by the House of Lords, and I am bound by that. But I should have thought that any conditional inducement of any kind, with or without the Statute, to induce a voter to vote in a particular way, was from the earliest times clear and unmistakable bribery. I must say that I cannot comprehend how you can offer anything to any man on the condition that he will vote for another without committing bribery; and I have the greatest authority in the law of England for that proposition, if any authority were required. In the year 1784, the then Lord Stanhope introduced a Bill into the House of Lords, providing that the payment of travelling expenses should be subjected to the penalties of bribery. The Bill was carried through the House of Commons, and it was brought into the House of Lords by Lord Stanhope, and Lord Mansfield spoke against the Bill and defeated it, saying that the paying of travelling expenses was clearly subject to the penalties of bribery, and that no Statute was required to make them illegal.

If that be the state of the law, let me now deal with the facts. Is there a conditional promise here? Let us look to the telegrams sent to the voters. First, they are sent in a fictitious name—they have the badge of fraud upon them; secondly, they bear upon the
face

face of them conclusive evidence that they are sent in reply to letters, but no letter is produced—no letter is accounted for. We have Mr. Mortimer's testimony as to the receipt of the 460 letters, and every telegram commences, "Letter received." Like a true man, when Mr. Mortimer found the lock broken on the box containing the letters, he got another lock, and he has the key of his box, which has however, to use his language, "mysteriously disappeared," and no one will impute to him that he is speaking of a box as having "mysteriously disappeared," of which he knows the whereabouts at the present moment. He produces his key, but where is the box and where are the letters? They are not produced. Some of the telegraphic messages say "not a man can be spared"; "not one vote to spare"; "come up and record vote to-morrow, without fail"; "every vote required to insure success"; "letter sent." What did that letter contain? Read it by the light of another telegram: "Letter received; please come, arrangements will be satisfactorily made." What is the meaning of that; or of this, "Come and record your vote on Wednesday; not one to spare; letter by post"? What means this: "Letter received; please be in Dublin on 18th morning"? I am told that there is nothing about voting in it. I know the word "voting" does not occur in it, but it runs, "Please be in Dublin on the 18th morning, and forward account of expenses to me." And this is the last to which I will refer: "Not time for remittance; letter received." It may be that some subtler intellect would discover that there was some other possible construction of those documents, and that they might import that a general impression prevailed in the excellent mind of "John Wilson Johnstone," for which we now read "Davenport Crosthwaite," that it was a hard thing that those out-voters should not have the means of coming up to the poll and of registering their votes for whatever side they pleased, and that while he, in his generous benevolence, was working in 24 Dame-street under a false name, suggested by Mr. Henry Foster, and assisted by Mr. William Johnstone, all their anxiety and all this elaborate machinery was only to afford an opportunity to the out-voters of registering their votes for either Sir Arthur Guinness or Mr. Pim or Sir Dominick Corrigan; and that, in any event, after having so done, the voters were clearly entitled to go to that office of "J. W. Johnstone's" to tell him that they had recorded their votes for Mr. Pim or Sir Dominick Corrigan, and that having complied with his wishes, they hoped he would pay their expenses, and that they would have received them. I confess, looking at those documents in a commonplace way, my reading of them is that they were a direct solicitation to vote for Sir Arthur Edward Guinness, and that they contained a condition that the voters were only to get their expenses if they voted for Sir Arthur Guinness. Forty-one persons, out of more than 70 to whom these telegrams were sent, did vote for Sir Arthur Guinness; and if I am to arrive at any conclusion as to anything which has not been presented *oculis fidelibus*, I am satisfied they either were paid or are to be paid, in pursuance of the conditional promise, their travelling expenses upon that occasion.

It is not for me to say whether this is right or whether it is wrong. The Legislature and the law have declared that it is illegal, and I am not to listen to anyone saying that indeed it is not a moral offence. Without doubt all this wickedness of bribery has arisen from a lax moral feeling upon the subject. The Legislature has struggled for centuries, or at least for the last two centuries, with unfailing earnestness, to strike down the hand of the briber. Corrupt bribery cannot be carried on without large sums of money, and woe be to us if the Legislature of the country, by the influence of unbounded largesses, should pass altogether into the hands of a plutocracy!

My friend, Mr. Butt, in his zeal for his client, was betrayed into an expression which I cannot allow to pass unnoticed. I said before, and no one could misunderstand me, that, both personally at present and by my recollections of the past, I entertain unfeigned respect for Sir Arthur Guinness and his family. He is the head of, I believe, the first commercial firm in this country, second to none in any country; but I cannot allow it to be said in my presence, without expressing my respectful dissent, that either he or any other man, whether he has thousands or tens of thousands at his disposal, can claim the representation of this city as a rightful inheritance.

One branch of the Legislature is formed by those who rightly claim to be there by inheritance; but the other branch of the Legislature is formed of the representatives of the people, and the people, and the people alone are entitled to choose them.

I have said that there has been a constant struggle going on for two centuries to purify the Legislature. Men of the greatest wealth, and, I regret to be obliged to say, men of the highest rank, have set themselves to work against this great intention of Parliament. I have now before me a work of high repute (the present Lord Stanhope's "History of England"); and he mentions that, on one occasion, the Mayor and Aldermen of Oxford, in the year 1768 (just a century ago), "had written word to their members that they should be re-elected if they would pay 7,500*l.* to discharge the debts of the corporation. With proper spirit the Members laid the case before the House, and the House committed the peccant Mayor and Aldermen to Newgate for five days when, having, acknowledged their guilt and asked pardon, they were discharged, being first, however, severely reprimanded by the Speaker at the bar, and on their knees." The celebrated Lord Chesterfield, writing to his son in December, 1767, says: "I have looked out for some venal borough for you, and I spoke to a borough jobber, and offered five-and-twenty hundred pounds for a secure seat in Parliament; but he laughed at my offer, and said that there was no such thing as a borough to

Dublin City.

be had now, for that the rich East and West Indians had secured them all, at the rate of 3,000 *l.* at least, but many at 4,000 *l.*, and two or three that he knew of at 5,000 *l.*"

See how the offspring of corruption grows upon the wing—

"Parva metu primo mox sese attollit in auras."

"Some weeks later," says Lord Stanhope, "we are told, on the same authority, that George Selwyn has sold his borough of Ludgershall to two members for 9,000 *l.*" Next I read that, "no place at these elections could vie in venality with Shoreham. There, bribery had been reduced to a system, and the electors combined in a confederacy for the equal partition of whatever money was received, and, as in the first days of the Apostles, all things had been common among their followers; so this confederacy, by a most profane and irreverent misapplication of the name, called itself the 'Christian Club.'" ("The Christian Club!") "But these scandalous practices, though long continued, were not brought to light until 1771, when one of the Members having died, and a new election ensuing, a Committee of the House of Commons investigated and disclosed the whole case. By an Act of Parliament in the same year, the members of the Christian Club were deprived of their votes, and the franchise was extended from the small town of Shoreham to the adjacent hundreds."

Parliament, as I have said, has struggled at all periods, and done all in its power to put an end to such practices. In a moment of unbounded confidence, the House of Commons has abandoned some of its most cherished privileges, and seeing no other way to the correction of these vast abuses, has deputed the task to the legal tribunals of the country—to the judges of the courts of common law. We know that at this particular moment Parliament has enfranchised vast masses of the people, going from the upper to the lower stratum, and giving the franchise to men who have heretofore been kept from it; because it was said, and perhaps truly, that from their poverty and from their necessities they were liable to be operated upon by men of wealth, seeking at any price and at any risk to force themselves within the walls of the House of Commons. It was long and forcibly held by the higher classes that it was a dangerous thing to give the franchise to men who were so liable, by reason of their poverty, to be corruptly acted upon; but now that the poorer and humbler classes are admitted to the franchise, is this the time when the higher and wealthier classes should seek to make good their own predictions by lavish expenditure upon those very men who had been so long excluded on the ground I have mentioned? It should not, and I hope it will not, be. It is the duty and the interest of men of wealth to close their purse-strings, and not to allow any men, no matter how they may be interested in cause or party, to induce them to open the flood-gates of corruption; and, above all things, it is desirable that men who have borne heretofore an unblemished character and an unsullied reputation, should not, by placing large sums of money at the disposal of subordinate agents, employed at second or third hand, enable them to perpetrate those corrupt and illegal acts, whilst they, without whose money they could not have been accomplished, still maintain a fair face before the world. One of the most beautiful passages in the Offices of Cicero is thoroughly applicable to this class of men: "*Totius autem injustitiæ nulla capitalior est quam eorum qui cum maxime fallunt, id agunt ut viri boni esse videantur.*" "No species of iniquity is more fatal to society than that perpetrated by those who, whilst they most deceive us, so contrive things that they may bear the face of virtuous citizens."

I have now done with this case; to me it has been an arduous and a most painful task; I should have been far better pleased, if I had been able, with a conscientious conviction, to declare that the Petition against Sir Arthur Guinness had failed, and that he stood unreached by any charge in that position which his honoured father occupied. I cannot do so; I must declare that this was a void election; I must certify that Sir Arthur Guinness was, by his agents, guilty of bribery at this election; I shall report, and it affords me the greatest pleasure to do so, in broad unmistakable terms, that he was not guilty himself personally, directly, or indirectly to his knowledge, of any transaction of a corrupt nature. I shall enumerate, in my certificate to the House of Commons, the persons who I consider were bribed, and those who were bribers; and I shall furthermore declare, because it has been proved by Mr. White, one of the principal solicitors of Sir Arthur Guinness, acting for him at that election and now acting for him on this Petition; proved by Campbell whose agency has been established, and whom Mr. Goodman described as the person best acquainted with the freemen; proved by that document the most artful of all, which was to be delivered at No. 3, Dame-street, after the election, and which was printed and paid for at 76, Capel-street, at the desire of Henry Foster; proved by what appears to me the most conclusive evidence, direct and circumstantial, that the freemen of this city have been shown to a great extent to be corrupt voters, and I shall leave the House of Commons to deal with their case, and the constituency as affected by them.

I shall give the costs of the Petition to the Petitioners.

Mr. *Heron* applied for certificates of indemnity for 16 persons.

Mr. Justice *Keogh* said that he should grant certificates of indemnity on both sides, to every person who had been examined, except those witnesses whose evidence he did not believe.

Mr. *Heron* applied for an adjournment of the trial, in order that Henry Foster and Davenport Crosthwaite might be examined when they returned to this country.

Mr. *McDonogh* objected to the application.

Mr. Justice *Keogh* refused the application.

GREENOCK ELECTION.

JUDGMENT delivered by Lord *Barcaple*, 13 February 1869.

Greenock.

Lord *Barcaple*.] THIS trial has, of course, occupied my very anxious consideration during nearly the whole of this week, both in court during the evidence, and afterwards in carefully going over and, to the best of my ability, analysing and judging of the evidence as it was gradually produced. Now, with the great benefit which I have derived to-day from the arguments on both sides of the bar, I have to address myself, as it has been justly said, to the functions both of judge and jury; and I do feel it to be a very anxious and a very responsible thing indeed that is thus cast upon me in the exercise of this new jurisdiction, now for the first time brought into operation in Scotland. I believe that, in common with many other persons, I had hardly anticipated that we should have had an example of it in Scotland upon the present occasion; and I trust that it may be very long indeed before this great seat of trade and flourishing town shall again have such a visitation as that which has been inflicted upon it for nearly a week at present.

I am sure I need not do more than once address my most earnest appeal to all the very orderly and intelligent audience who have been here throughout the week, to request that they will feel it both a duty to themselves and to Greenock, and a great personal favour to me, that neither now, nor at any time before this court is altogether adjourned and broken up, and they leave it, they will indulge in any expression of feeling or opinion whatever.

The portion of the case which has been the subject of a supplementary argument at the end of the proceedings is so entirely separate from the rest of it, that I think I shall most conveniently deal with it by expressing my opinion upon that matter at first, before going into the other things which require a consideration of the evidence.

The facts of the case upon that part of it are substantially not disputed; and the question is, in so far as I have to consider it, simply whether there was such a miscarriage at the last election in Greenock, in reference to the arrangements of polling places and of polling districts, as has vitiated and invalidated the election. Except for the purpose of determining that question, it is unnecessary that I should either direct my mind to the subject, or pronounce any opinion upon it.

There were objections stated to the course taken by the sheriff in this matter, some of which have not been referred to in the argument, which I may just state, because it will be satisfactory to the parties, I think, that I should allude, in a single word, to the whole of them. There was first of all an objection taken in respect that it was alleged that one of the polling booths or rooms, in the first ward, I think it was, was connected with a public-house; that is to say, that there was direct access from the one to the other. That, I think, has been disproved in point of fact. I believe, if I remember rightly, it was not stated in the original petition. I ruled, therefore, that it could not be gone into as a separate subject of investigation. But in the course of the investigation into other matters it did appear (and I think it is just as well that it should have appeared), that in point of fact there was not, in my judgment, at least, any ground whatever for having entertained that objection.

Then it was objected that the sheriff, in the course of making those arrangements, had communicated with, and taken more or less the assistance and advice of, the town clerk; and that was said to have been objectionable, I suppose, the more especially from some idea that, as one of the candidates was, or had recently been, the provost of the burgh (and I believe he was still the provost of the burgh at the date of the election), there was a sort of impropriety in communicating with the town clerk upon that ground. I certainly cannot conceive that that is a matter, however, upon which I could base any judgment to the effect that there was an illegality committed. But I may say, that upon that point of the case I have no doubt whatever. The town clerk has express duties to perform in this matter of the providing of places in which to poll; and by the very last provision which we have upon the subject, that, in the Reform Act of last year, new duties are imposed upon him, or new instructions are given to him, which imply that he is still a public officer responsibly charged with some duties in this matter, who is bound to discharge them aright, and who will be looked to as the party responsible to do so.

I cannot conceive that the sheriff did anything that could be looked upon as illegal in communicating with that public officer. He was entitled to have his assistance. He was entitled to require from him all the assistance which he, as town clerk of the burgh, could give him in the matter; and I must assume, and no reason has been suggested why I should not assume, that he might have relied upon him, and probably did rely upon him, with entire, and, for anything I know or believe, well-grounded confidence, that he would get nothing but such assistance in the matter as one responsible public officer ought to give to another. From the very outset of the present system of election, the town clerk has been a person who was charged with duties in the matter of providing polling places

Greenock.

in burghs. Indeed, originally by the Reform Act of 1832, he was the sole party who had any functions to perform in that respect, and he was to make the division. I do not know whether it was suggested at the bar or not; but I do not understand, or think that the 27th section of the original Reform Act has been repealed. It has been modified and added to by supplementary provisions in subsequent Acts; but I think it remains there as the basis of the whole thing; showing that the town clerk is a person who, as he has duties to perform in the matter, might well be consulted and called upon to give advice by the sheriff.

Then, the third ground of objection, and that which has been the subject of argument, is in regard to the arrangements which were made by the sheriff; and those, as I understand them, seem to have been of this kind: that taking the wards as they had been fixed last year, I mean in 1868, under the provisions of the Act for dividing burghs into wards, it being, in point of fact, identical, or nearly so, with the wards which have prevailed here ever since the time of the Municipal Reform Act in 1834, I think it was, the sheriff did not while he increased the number of polling places or polling booths (call them which you will), increase the number of districts, but appointed a certain number of rooms or other places at which the poll was to be taken within each one of those districts. In the first district, which is the largest, he appointed four; and then it is said, and I understand it to be quite admitted in point of fact, that further, in appointing those polling places within that district he did not assign the persons being voters, living within particular portions of each district, to each new polling place, but he divided the entire list of voters in the district by taking them alphabetically, and transferring a portion of the alphabet to one polling place and another portion of the alphabet to a second, and so on.

Now, it is said, and was argued with great ingenuity and with great force by Mr. Christie, that that is not acting upon a sound construction of the statutory provisions upon which this matter proceeds. I do not think it is incumbent upon me at present to pronounce any judgment upon that point. Those are provisions which I rather think are not easily all read together; and if my memory does not deceive me, even so long ago as very soon after the passing of the Reform Act of 1832, it was found that upon this subject, in the 27th clause of it there were provisions which it was difficult to work out and difficult to read together, and especially difficult to apply in burghs as in counties. The truth of the matter is, that "polling places" with reference to counties, is an expression which has always had, and to some extent always must have, a somewhat different meaning from that which it has to burghs. A polling place in a county is very commonly a town—and within that town, no matter where the polling booth may be situated, it is still at the same polling place. But then there is nothing of that sort in ordinary burghs, unless you conceive that which has not, I believe, in Scotland been at all common, that you have in one of the central burghs a particular public place, which has by use or by misapprehension of the statute from 1832 downwards, been always used as the polling place of that burgh. But the much more ordinary thing, and that which the statutes, even in their more recent provisions, seem to point to is, that in burghs the place for taking the poll must necessarily be more or less fluctuating, because it is either to be a temporary booth erected where the public authorities may find a convenient space for doing so, which disappears whenever the election is over, or it is to be a room hired for the purpose from any person who has a room convenient to be hired for that purpose at that time, that is to say, it is very generally either a booth upon a piece of ground which may happen to be vacant at the time, or it is a shop or room or other building which at the time happens to be untenanted. That implies that necessarily there must be some degree of fluctuation; and, therefore, I do not know that I can say that I think that there is any very precise rule which can be adopted by the public officers who have the charge of carrying out those provisions. I rather think that he has a latitude. I have no doubt it has always been acted upon, and I rather think that that latitude is within the statutes themselves.

But the real question which I have to decide is, whether anything has been done in this matter by the sheriff upon the present occasion which is to invalidate the election. Now that is a very serious question indeed. To invalidate an election—to put a town, and a large town, with a great population, and a vast number of voters like this, to the necessity of having a second election in consequence of a mere miscarriage, is no light thing; because I must, of course, look at this matter altogether apart from the rest of the case, and I must treat this exactly as if there were no other complaint at all except of this as an illegality committed.

Now, in the first place, I am by no means satisfied that there was any illegality at all; but, in the next place, I am quite satisfied that if there was, to any extent, a contravention of those statutory provisions, if they were not carried out precisely (for that is, as it appears to me, the utmost that can be said about it), they are provisions of such a kind that it would require that something much more should be made out than merely that they were transgressed in good faith, and without any serious consequence, in order to invalidate an election. Whether I look to any evidence which is before me, or to anything which is suggested by the nature of the question which arises upon this alleged miscarriage, it appears to me that there is not the slightest ground to believe that it did, to any extent, affect the fairness of the election which was held here in November. I cannot see how it should have done so. On the contrary, although I am not bound to judge of that, and do not judge of it, and certainly am not in a good position to judge of it, nevertheless I see nothing whatever to lead to the conclusion that the sheriff is not perfectly right, at least

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in this: that his arrangements were such as were best calculated for bringing about those ends—of a tranquil and quiet, and an easily-managed election, which it was his duty, as sheriff of the county, so far as he interfered or had to interfere in the matter, to endeavour to accomplish.

Upon these grounds, into which I need not go more fully, I have no hesitation in holding that, in so far as any question arises before me here, there has not been a ground made out, in respect to this matter of the polling places, on which I could hold that the sitting Member was not duly returned. If there is any question in regard to this matter beyond that, it is not a question for this place (and I am very happy to think so, because I think it would be a very bad question for one judge, sitting alone at a trial, to decide upon), but it is a matter which, I presume, the sheriffs of Scotland have had occasion to consider before, and in regard to which what has taken place at present may lead them to reconsider and to take the best and most authoritative advice, and, if necessary, to get some more clear statutory provisions, in order to put an end to all possible doubt upon the subject.

Then I come to the other and more important part of the case. I am dealing with the Petition which seeks to have the election set aside upon the ground of corrupt practices in all those three divisions of corrupt practices which we have in the statutes of bribery, of treating, and of undue influence.

Before going to consider the nature of the evidence in other respects, I may at the outset say what I know is expected to be my opinion on both sides of the bar, because I think they concur in it, viz. that there is no ground whatever (and I say it most gladly, but I say it with the very reverse of surprise, for I should have been naturally astonished if I had had to say anything else) for holding that corrupt practices extensively prevailed at the late election for the burgh of Greenock. The result of that to the burgh would have been most serious indeed. But, as might have been expected, that is not made out in evidence, and Mr. Christie most fairly and most properly explained that whatever general expressions occurred in his petition he neither now intended, nor had at any time wished, to make a charge of that sort against the burgh.

Then, though it does not fall under my duty to report upon it, I may, in passing, observe that I am extremely glad to find, in the course of the evidence, that some appearances, which there were at one time, as if there had been some extraordinary amount of dissipation connected with the election, and a great and unusual number of drunken people in the streets, did, when the matter came to be fairly investigated, die away altogether. It was stated, upon what seemed to be competent authority, that rather the reverse was the case. It is very probable, I think, that Bailie Hunter, who certainly was in a position to judge very well of the matter in some respects, as he left town rather early in the afternoon, may not have seen some of the excitement which prevailed, and not unnaturally prevailed; but I must take it upon the whole of the evidence now that the instances which we have had spoken of (and some of them are very important as matters of evidence as regards some of the charges of instances of individual intoxication, or of three or four intoxicated men being seen at one time), were not indicative of the general state of the population, even of the working classes of Greenock upon that day. They had another business to perform that day, and I conscientiously believe that they felt that they would have been acting very unworthily, and that it would have been very far indeed from their wish to have exhibited so deplorable a spectacle.

Now, I must proceed to consider the evidence which has been laid before me, but I think the parties will scarcely expect that I should do so in very much detail. The charges are very numerous. Those that were put into the note of particulars were very numerous indeed. Even those which have been the subject of inquiry in this trial amount to a large number, but a very considerable proportion of them, in the view which I take of the evidence, admit of being disposed of almost in a single word; and I am not surprised that it should be so, because, from the nature of the Petition, it not being a case of any one great and monstrous evil that was complained of, but of a number of individual instances of alleged improper practices where it is difficult to get evidence, it is difficult to sift the evidence. The Petitioner was led to listen, perhaps too readily, to accounts which reached him as to the state of particulars in regard to individual alleged instances of corrupt practices, but some of the cases he has properly abandoned, and others of them, I may say, I am disposed to set aside almost without observation. There were cases, of which that of the man Rankine may be taken as an instance, which, when the thing was investigated, was found to be the reckless act of some one, two, or three people who seemed to have been enjoying themselves too much on the day of the election, and, as is the unfortunate consequence of that fault, very much disposed to renew the same indulgence the next morning, beset one of the agents to give him money to drink, or asked (according to the expression of the place apparently) for their "morning." Mr. McIlwraith, apparently, very properly would have nothing in the world to do with it, but another gentleman came up (we do not know who he is), and he, wishing to be relieved from them, I suppose, or having possibly some sympathy with the men, gave them a shilling. That is a matter, I need not say, of no consequence at all.

Then there are one or two cases, of which, perhaps, the most notable is that of Mr. Harley, a butcher, which was made the subject of inquiry, as to a bribe which it was supposed that he had got, and it was the only bribe of any considerable amount which we have to discuss. It was said that he had got 10*l.* for his vote, but then it came out long

Greenock.

before we got to the end of the explanation, long before we got any corroboration (I may say that I, in my mind, had no doubt about it in my humble judgment), that the whole thing was a joke. I did not doubt it almost from the beginning.

Then there was an old man for whom a subscription was offered to be got up by Mr. Boyd. I cannot say that it appears to me that that can figure at all as a case of corrupt practices. Such a thing might be made a case of corrupt practices, but it would take a great deal of evidence to do that. It would require to be set up as corrupt. It is not corrupt in its own nature. No doubt (and there alone is there any ground for it) this conversation took place when Mr. Boyd was calling to ask about his vote, but looking to what it was, looking at the consistency of the proposal with the excellent practice in those trades of the men helping one another when they are laid aside, it seemed to me to be the most natural thing in the world, that having done his work about the canvass (and I do not think it mattered which way it was, whether he got his vote or got his vote refused) he should have said to him what it is proved he said, and what I see no reason to doubt was substantially what he said, and was the substance of what passed, that "altogether independently of your vote, I will see, if times keep well, if we cannot get up a subscription for you." It is quite true that the subscription has not been got up, but it is not a rare instance that a man should say something of the kind when the subject of distress is immediately before him which he does not afterwards follow out, and he might, perhaps, feel, and I do not think he would be wrong if he did feel, that there might have been some difficulty in following it out in the state of things which has been existing here for some time past.

There was the case of a man named Nicholson, about a topcoat. There again, I must say, that my first impression of that case was rather different from that which came out ultimately. It appeared to me to be a joke from the outset, but it would rather seem that it was not, and that the men were not perfectly sober; at all events there is no evidence in the world. There is the evidence of one man, who says that that was so, but the other man says, "No;" and then Mr. Boyd, in whose shop it was also, says "No." So that there is no evidence there.

The case of McAlpine, the porter, who got a shilling put into his hand, was very properly given up. I daresay he did get the shilling put into his hand, and I daresay that was a joke, and a good-humoured joke, but there is not the least reason to suppose that it was bribery.

There was a public officer, an inspector of markets, who was said to have been spoken to by Bailie Hunter, but I heard no evidence leading me to a supposition that anything passed there that could be looked upon as concussion or intimidation.

The coal weigher was the servant of a coal merchant, and he was dismissed by Mr. Orr; but so far as I could make out from the question, it was a quarrel about the accounts; which of them got the best of it I do not know, but of course a man might say that he might dismiss his servant without its having any connection with his vote.

Then there was a case where a stranger was said to have flourished a large quantity of silver, to the amount of 3*l.* or 4*l.*, and it was said that he had 20*l.* to sport. That, of course, is of no importance. We do not know who that stranger was, even if there is not a certain amount of exaggeration about it, but it is quite plain that it is no case of bribery.

Then there was a trick played upon Mr. Brodribb, who kept a public-house, and who seems to have lost some 2*l.* 10*s.* I think he was very simple, but whether the trick was played upon him by the witness Armour or not, or whether the trick was played upon the witness Armour by some other people with whom the witness Armour had got into conversation, he not being very sober at the time, does not appear, and is of no consequence.

These are specimens, at least, of a very considerable number of cases which I do not think can enter seriously into the present consideration; but I think that the present discussion is a very serious one indeed. I have felt it to be so throughout, and I have felt some matters connected with it to be of extreme difficulty.

The first that we heard of this election in the evidence was a letter from the sitting Member, in which, certainly, an ill-advised and unfortunate expression was used. He said, writing to his correspondent, "If I go in I must do it properly to win, and I suppose that Christie is not prepared to bleed freely." Now, I do not, in the least degree assume (very far from it indeed), that that imported any intention on the part of Mr. Grieve to spend any money in any illegal way. That is not the thing, and I do not believe it did; but it did import an intention to come into the field with money ready to be spent, and that freely, for the purpose of overcoming an opponent and gaining the election. I cannot imagine a worse key-note to be struck at the commencement of the contest than this. If it comes out it will certainly be very unfortunate for the candidate; and whether it comes out or not, if the election is conducted upon the footing which that seems to indicate, it will be extremely liable to give rise, at least, to suspicions, whether well-founded or not, as to how the election is truly conducted and is gained.

Now, it is quite unquestionable, I think, that this determination was carried out. There were employed for Mr. Grieve, besides his principal agent, Mr. King, eleven ward agents, as they are called; but that is, as every person who knows Greenock must be perfectly well aware, not an agent for eleven wards, for there are only five wards, but three agents for the first ward, and two agents for each of the rest. The result of that was, that a sum of 1,715*l.* 10*s.* was paid to those eleven agents and Mr. King, Mr. King's bill, however, being only a hundred guineas. I am excluding at present all charges for outlay and

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clerks; but for fees, for remuneration, there were bills sent in to the amount of 1,715 *l.* 10*s.* I think, if it stood alone, and it does not stand alone, the charges of that sort would be a very large sum indeed to expend in this way in an election of this kind. It is true that the election lasted for a long period of time, and that probably increased the expense. But then the expense was being carried on upon the footing of employing so very large a proportion of the law agents in this place, subject to the payment of a fee for this kind of work, and the charge I observe is in quite general terms, "To fee for acting as agent in Parliamentary Election." I think that is the way in which the thing is stated. In the case before me, it is 157 *l.* 10*s.* that is charged. Then, in addition to those agents, three of whom were thought necessary for one ward, and two for each of the rest, I find there were three accountants who had charges somewhat of the same sort, with the exception of one of them, who must be entirely set aside. He charged ten guineas for pure accountant's work, only of a proper kind, in making up states of the returns, I presume, by canvassers, or something of that sort. But one of them is an account sent in in these terms: "June 13th to November 16th, time and trouble employed between those dates in conducting your canvass, 90 *l.*" Now, I must say that I think that that is a very strong course of expenditure, and that it was not likely that an election could be conducted upon that footing without its attracting attention, and by attracting the attention of opponents creating a considerable tendency to look with suspicion at the whole expenditure throughout the election, I do not say that in itself it is a ground upon which an election can be set aside. Possibly, however, I think that in a strong and aggravated case it could. These gentlemen, no doubt, are not paid to vote, but in consequence of their being paid they must not vote, and I do not advise the experiment to be tried to any much greater extent; at least I would rather hope that it will not be again tried to this extent, for I am quite satisfied that it is an unfortunate course of procedure.

On looking to those cases which it has occurred to me require a more positive examination of the evidence, I suppose the first, in point of time, and one which stands apart from all the rest, in consequence of the sitting Member being the party immediately connected, is that of Aird, the porter. The sum that is involved (and that is common to all the charges of bribery, and to all the charges of treating, too) is trifling in the last degree, and it would have had less importance, I think, if it had not just been for this appearance of large expenditure throughout, and the disposition to make large expenditure. I do not believe that Mr. Grieve had the slightest intention of actually bribing this man; but it was a very unfortunate thing for him to do; and I daresay he might think that it was so, perhaps, immediately afterwards. It is said that it could not be wrong, because it was done in public. Its evil, looking to the value and the small sum involved, is perhaps just because it was done in public. It was a very liberal thing to give a man half-a-crown for doing a thing which, if it was necessary that he should do it at all, he would have been content to have done for a sixpence. It was a display of a kind of liberality, and it was a display of that kind of liberality just at the end of a conversation with the man about how he and his fellow voters were going to vote, and it was done in the presence of the fellow-voters, which seems to me to aggravate it. But although I think that it was an unfortunate thing, and ought not to have been done, I cannot look upon it as an act of bribery, and I cannot sustain it as a ground upon which to set aside an election. If it had been an act of bribery, if there had been other circumstances which made the sum, small as it is, appear to have been given to this man for the purpose of inducing him to vote, then there is no doubt the smallness of the sum would not have exempted the act from its consequences.

There is the case of Lindsay, the shoemaker, who was supposed to have been endeavoured to be got out of the way by sending him to Glasgow. As this case stood upon the evidence for the Petitioner, I must say I was extremely impressed with it. It appeared to me to be a case that it was difficult to explain away if the facts were as they stood then; but since that we have had the evidence of Captain Campbell as to what took place upon the first night of the visit, which is not very material; and we have the evidence of Mr. Dennistoun, who is the man who is said to have made the corrupt proposal. Now I do not in the least degree give more credit to Mr. Dennistoun than I give to any other witness. Mr. Dennistoun, I have no doubt, is a gentleman entitled to credit; he has done a good deal, however, to disable him here as a witness by having taken this large sum, and he must be received, and all those law agents must be received, subject to the reservation which is made when the question comes to be considered as to the influence and consistency of their own acts. But looking at this as a jury question, and weighing the whole of the evidence together with it, I am sufficiently satisfied that Mr. Dennistoun's account of the matter was correct; and I rather think (though in that, of course, I may be mistaken) that I see an explanation of the whole thing without the supposition that there is any wilful falsehood upon the other side. In the first place, the man Lindsay himself knows nothing about the matter; the question is what took place in his house when he was away at the morning post; the boy who was brought here I do not for a moment imagine came here to tell us an untruth, but I was impressed with the notion that the boy was speaking more or less from the effect of probably repeated discussions of this matter. I may be wrong in that; I have seen a child much younger than that a valuable witness, but I cannot say that this boy's evidence impressed me as giving additional weight to the case; but the mother is a more important person. Now, Mr. Dennistoun standing in the doorway, speaking across the breadth of the outer room to the mother who was at the inner door, and merely looking through it

Greenock.

(she had not her clothes on even at the time) did speak about the man going to Glasgow; but he says, which is a very natural thing, "Has he gone to Glasgow?" He said he had an idea that the man was doubtful about his vote, and that possibly he might have just gone off to escape out of the way. As there had been some talk apparently about birds on a former occasion, the woman may possibly, not hearing very perfectly what was said, and possibly having her own idea as to the great propriety and prudence of her husband not going to vote for Mr. Christie, but rather going to vote for Mr. Grieve, and pleasing these gentlemen who had called and talked about the birds, have been very willing at least to adopt that view of what Mr. Dennistoun said, and may have possibly thought it was what he said, and she seems to have been active to send off and prevent even her husband from coming home and getting away to Glasgow, intimating great willingness on her part, I think, that he should go. There is, I think, the explanation. She instantly sent off the man Adams to try and catch her husband, but Adams, however, was on the other side, and would not have done her any good.

Now there is the case of a bet, which, it was said, McGregor had offered to pass on to Mathieson; that is to say, if he gained his bet of 1*l.* he was to give Mathieson 1*l.* All I can say about that is, that, looking at that as a jury, I am satisfied that McGregor's account of that is true. We have not got old Mr. Mathieson's evidence; I do not know that that would throw any light upon the matter; the case is really not proved, and I am myself individually impressed with the conviction that Mathieson was right.

Then there was the case of McLachlan, a moulder, who said Mr. Duncan Hendry offered to give him work; there is only that one witness, McLachlan; he is contradicted by Hendry, and therefore there is no case. But if I am bound to make up my mind about it, I say again that, looking to the whole evidence, I am impressed with the idea that McLachlan's account is not correct.

There is the case of Lafferty, who says that Mr. Boyd, the same man who had promised to get a subscription for Calder, had offered to get him into work if he could. Now Boyd does not dispute that he said he would try and get the poor man into work; he was in bad health, and seems not to have been fit for work since; but Boyd said he would do that, and that he said to him that it would be quite independently of his vote. I see no reason to doubt that that was the way of it, and ultimately the man voted for Mr. Christie; I cannot look upon that as an attempt by Boyd to bribe. It is a very serious thing indeed to find a man guilty of an attempt to bribe; it involves him in very heavy consequences, but I cannot say that there is upon my mind any impression that it has been proved that Boyd did that with a corrupt motive.

There is the case of Hector Ross, which has been given up by the Petitioner upon the ground that the agency of Brodie, the man who was said to have given the money, has not been proved; but in that case there is a most painful conflict of evidence, and that not of one witness against another witness as in some of the cases, but of several witnesses upon each side. I think it right to say there again, as the case was very fully investigated and the evidence tested as much as possible, that the impression left upon my mind is, that the evidence of Mr. Brodie, and of a man, I think, of the name of Raff, who was with him, is true. What may be the explanation of the evidence given upon the other side I cannot take upon me to say; whether there was any confusion or any mistake I cannot say; but I certainly am not impressed with the evidence of those witnesses who were called to support that case.

Now I pass on to the cases of undue influence, leaving the few remaining cases of treating which I have not already disposed of to be spoken of afterwards.

There is the case of Bain, who is said to have been intimidated, or concussed, or threatened by McIndoe with the loss of his house. McIndoe was the factor for a large tenement or tenements, apparently containing a good many tenants, and it is said that he threatened to turn this man out. There is also some evidence for the purpose of showing that he or his wife said that they had the authority of the landlady, but that was not authority, as I read it, to turn the people out, but rather that the landlady wished that they would vote in a particular way. I can hardly believe that they would have turned those people out; they would by so doing have depreciated the value of the property extremely, but it seems to me that, upon the whole evidence, there is no appearance, taking it at the strongest, of anything that I could hold to be intimidation or undue influence for the purpose of setting aside the election. That would require to be something very decided indeed. I rather look upon it that the whole that took place between those parties is perfectly capable of the construction that it was truly, after all, a somewhat bantering or possibly braggadocio conversation between the two parties.

The other cases of undue influence are of a much more serious kind in their nature. It is the allegation that men working in public yards were threatened with being turned away from their employment if they did not vote as their employers wished them. In one case it takes the rather different aspect of a man being promised to be kept on if he did vote as his master wished. In substance and in spirit the thing is of course the same, though that case would go under a different legal category. Nothing can be more important to be checked than this. It is to be checked for the freedom of election, and it is to be checked as a monstrous operation against workmen. We have seen in this trial how very serious indeed the consequences of such an exercise of power may be, because we have had the evidence of a number of workmen in which it has come out that, from the way in which the works are necessarily conducted, fluctuating in point of amount, of employment from week to week, according as orders come in and orders get executed, and patterns can be got, men are constantly dispensed with and taken on; and, accordingly

ingly, there is the greatest possible facility for exercising a power which would be of the most grievous description if it were corruptly exercised. Therefore, I cannot imagine any form of undue influence which would be so perfectly obnoxious. But, looking at these cases generally, and taking them in the mass in the first instance, the first matter that strikes me is, that it is, to say the least of it, a very important circumstance, in my opinion, that there is clear evidence that there was, at the time of the election, and that there continued to be for some time subsequently a slackness of work in this department of the employment. That is a material fact, because it implies the necessity for the dismissal of men, and it would require that it should be shown, and shown distinctly, as far as dismissal goes, that the men were not dismissed in consequence of their not voting as their employers wished. Now I think that, upon the whole of that part of the case of the dismissal of the men, the case has failed. I think there is nothing that can satisfy me that the men were in any one instance that has been spoken of dismissed in consequence of their vote. Some of them were dismissed who had voted for Mr. Christie when their employers were ardent friends of Mr. Grieve, but that might have happened although their employers had resolved, in the most serious way, that the election should have no influence at all upon their conduct to their workmen. If their employers did resolve upon that they just did their duty, and did that which, as employers, they ought to do, and that which I should hope employers generally do. We had the evidence of one very extensive employer indeed in the witness-box, Mr. John Scott, and I was perfectly satisfied by his evidence that it was his sincere desire that that should be the course of action in regard to the two extensive works with which he is connected.

But while I am of opinion that there is no case made out of the dismissal of men in consequence of voting against Mr. Grieve, there remains another form of charge, and that is, that there were intimidating communications made to the men by the overseers. Objection has been taken to the men being canvassed in the works. That is a matter about which really I cannot undertake to express any very decided opinion. The men themselves, I should say from what we heard, do not like it. I do not know that it sounds altogether a very pleasant thing, and, probably, it is a thing that had much better be dispensed with upon any future occasion. Everything of the sort that is liable to bring about suspicion and ill-humour may lead to charges of this sort, and to investigations which might otherwise never have taken place.

But, in regard to the evidence as to the foremen having threatened the men that they would be put away if they did not vote as their employers wished in Mr. Steele's yard, McWilliam was the man so charged. Now, I must say that I am not at all satisfied that McWilliam said anything that could be founded upon as going at all in that direction. I think that, upon the whole, taking the evidence of McKilnee and McKee on the one side, and McWilliam upon the other, and applying to it the best judgment that I can, the matter is explained in such a way as must prevent my making use of it as a ground to invalidate the election.

Then there is the case of the Greenock foundry, and there were there the cases of Kidd and Johnstone and the case of Bissell. Kidd and Johnstone, I think, were dismissed by Gallacher, and it is said that Gallacher could not bind Mr. Grieve; that is to say, that Gallacher's action in that matter could not invalidate the election. I am not satisfied of that. I understand that there is no ground to hold that Bain was not an agent. He canvassed, and Bain being an agent to canvass, I rather think that if Bain employed a person under him to canvass, Mr. Grieve is compromised by Bain's proceedings in that matter.

The doctrine that was stated by Mr. Christie upon the subject of agency, as I understood it, I fully adopt. I think that there are three principles applicable to three kinds of matters. There is, first of all, the strictest of all principles, that which is applicable to a criminal charge; and there you are responsible for nothing at all except your own individual guilt. That is a thing consistent with ordinary common sense. There is then the principle that is applicable to actions of a civil kind raised against a party on the ground of a wrong done, and in which it is proved that the wrong was done by the defender's agent; that is to say, a person employed by the defender while he was doing the thing which he was employed to do; but there there comes in the principle that he was employed to do the particular work, and that he was not employed to do the wrong. Then there is the third class of cases with which we are at present engaged, where, in these election petitions, it being proved that a candidate is having his election carried on by a committee or by certain canvassers, those canvassers do something which, if the candidate is responsible for it, will invalidate the election, and it is held that he is responsible for it in the sense of making the validity of the election depend upon it. I do not see how these election petitions would be of the least use otherwise, because I suppose that there are very few candidates indeed who undertake the practice of corruption by their own hand. I presume there are equally few candidates, or very nearly so, who ever say to their agents that they are to proceed corruptly in the matter. I do not think, however, that that is more than a question of law in the present case, because, upon the facts it appears to me that there is not sufficient evidence that because Gallacher dismissed those men they were dismissed in consequence of their having voted against the wish of their master, or that he made any communication to them beforehand which can go to invalidate the election.

Bain, the foreman in the work, appears to me not to have carried out very accurately or well what I understand to have been his employer's, Mr. Scott's, instructions. I think he went further than Mr. Scott would have entirely approved of, and had more communication with the men and talked more to them about their

Greenock.

votes, and in a way which probably would have been checked if Mr. Scott had known of it; but I do not think that anything that he did or said amounted to intimidation or undue influence of the workmen. I think the workmen were canvassed, and they might have thought that disagreeable. They were spoken to, perhaps, and he might have said to them, "You had better vote for Mr. Grieve;" and they might have their own idea about it, that perhaps they might meet with consequences if they did not comply with the wishes thus expressed. I think it would be a great deal better if no such canvassing of workmen went on, but it would require to go much beyond that to entitle me to find that there had been such undue influence as to set aside the election.

Those are the only cases of that description, and I am left only to deal with the cases of treating. There is the case of McLachlan, who says that along with the man Simpson, Mr. McCallum, one of the law agents, treated him to spirits at the "Buck's Head." Now, if this had proved to be the fact, which certainly, upon the evidence of those two men in the course of the Petitioner's proof, I suppose it would have been, I should have doubted excessively if there was any case of corrupt treating in the sense of the statute. It was not a pleasant thing to learn that, early in the forenoon, a law agent had taken two men, about whom he seems to have known nothing at all, into a public-house and sat down to drink with them. It would have been a discreditable sort of thing; but, looking to the exceedingly trifling amount, it could scarcely be supposed that he was to get their votes or influence their votes in any degree by giving it to them. But it was capable, I think, of this explanation, that he wanted to canvass them; he wanted to discuss the merits of the election and of the respective candidates with them, and turned in there in order that they might do so; and, perhaps his position in life made it natural that he should have paid the bill. The bill must have been a shilling, we are told, and could not exceed it. Therefore if that case had been proved too, I should not have been prepared to have upset the election upon that ground. But then we have the evidence of Mr. McCallum himself, and he positively denies it; and we have his evidence confirmed by Mr. Brodie, who was said by both men to have served the drink; and he denies that he ever saw them there, and says that he would have remembered it. It is a very unfortunate conflict of evidence. The case upon that matter was not proved, and I think would not have been sufficient if it had been proved; but I am bound to say that I think there is not evidence to lead me to suppose that in this matter we have got a false account of the matter from Mr. McCallum.

There comes, then, the case of Paterson, the lamplighter. It has been said that the sum expended was very trifling—it was perfectly contemptible; but it is only more unfortunate, in one sense of the word at least, that about such a contemptible sum any question whatever should have been raised. It is also said that treating must be a practice, unless it is of such a kind that it can be taken as a positive immediate bribe as if it were so much value, for giving a vote. I cannot say that I am satisfied with that construction of the statute. The Interpretation Clause of the late Act undoubtedly is an interpretation clause of corrupt practices, but bribery comes in as well as treating. If treating be well made out, although you may not suppose that a man was influenced by it as he would have been influenced by a bribe (that is to say, that there are other feelings brought into play in consequence of a man being very handsomely treated in that way, and I can suppose instances of it), a solitary case will not, I think, set aside an election; and I have only to express my hope that in Greenock, hereafter, all men of all parties connected with the election will endeavour, absolutely and entirely, to avoid everything of the sort. I may say that I have found more difficulty about this matter, small as it is, than about any other case in the whole course of the investigation. The man was a person, from what we saw of him in the box, I think, capable of being moved by a very small amount of treating of that kind, and Mr. Hamilton Brown, who did it, was at that time engaged in canvassing. It was just within two days of the election, I think, and by that time Mr. Campbell Smith has told us that he was engaged in canvassing some voters; but upon the whole matter I cannot come to the conclusion that this was done with a corrupt intention of treating. I think it was a very rash proceeding. We did not see Mr. Brown in the witness-box, but he seems to have gone into the house and found a poor man there, who, he supposed, I daresay, would rather expect some kind treatment that could scarcely be called hospitality in his own house, and he gave him that, I should think, without the intention of thereby getting his vote. I must say that I can conceive other persons taking a different view of the matter. I think it is a point that balances very nicely indeed, and I have felt, I confess, some difficulty in deciding it, but the decision which I have announced is that to which, after much consideration, I have come.

The only remaining matter is one upon which I have already expressed what is the result of my opinion; namely, the matter of the meeting at the "Wheatsheaf." It seems to me that the meeting was accidental, and that that is its character, and that out of that character I think it loses the quality of being a corrupt proceeding. I do not think there was any intention to influence anybody at all, but that there was a general hilarity created by the termination of the election and its known result, and that out of that Mr. McLachlan and Captain Campbell were induced, suddenly, to get up a manifesto of their extreme joyfulness. It could not influence the election, for the election was over; but I do not think it was intended to act upon or reward anybody for anything which had taken place in regard to the election.

I have only, in conclusion, to announce the certificate which I must make to the
Speaker

Speaker of the House of Commons in the matter. I find and determine that Mr. James Johnstone Grieve was duly elected, and duly returned a Member to serve in Parliament for the burgh of Greenock; and I shall further report that it has not been proved that any corrupt practice has been committed by, or with the knowledge and consent, of any candidate at the election, and that there is no reason to believe that corrupt practices have extensively prevailed at the election.

Upon looking over the whole matter with very much anxiety, I have not found any ground upon which I can avoid the ordinary conclusion of such an investigation, and I must find that the losing party is responsible for the costs.

Mr. *Lancaster* moved for the costs of the returning officer.

Lord *Barcāple*.] It goes with the costs.

Greenock.
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GUILDFORD ELECTION.

JUDGMENT delivered by Mr. Justice *Willes*, 22nd January 1869.

Guildford.
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Mr. Justice *Willes*.] THIS petition asks that the return of Mr. Onslow, as Member for the Borough to serve in Parliament, should be declared void on several grounds, some of which, though laid in the petition, have not been supported by any evidence, and others as to which evidence was offered, have been disposed of in the course of the case. Those which remain, I proceed shortly to dispose of now.

The ground which was first laid in proof was, that Mr. Onslow, by himself or his agents, had been guilty of treating; that is, of plying voters with meat or drink, for the purpose of ingratiating himself with them, and inducing them to vote for him. In order to establish that, witnesses were called for the purpose of showing that there were meetings of Mr. Onslow's supporters at a variety of public-houses for some considerable time before the election, and that at those meetings drinking went on, which, it was suggested, must have been paid for by Mr. Onslow, or some person standing in the relation of an agent to him, because some of the witnesses did not observe that it was paid for by the particular persons who drank, because in two instances witnesses who ordered the small quantities of drink, upon offering to pay, were told by the landlord that it was all right, and went away without paying. With respect to those two instances, however, it appears that the persons were not voters. With respect to the drink which was supplied, it was supplied in quantities which were not in excess of what people might casually order who attended meetings held at public-houses, each for his particular thirst, intending to pay, and not as a crowd of persons might do, who were present at assemblies where drink was supplied at the expense of somebody else. The general evidence of the drink at those public-house meetings, however, appears to be insufficient to establish a treating by Mr. Onslow, or by an agent of Mr. Onslow; and he having been called, and evidence having been given of what the real character of the meetings at the public-houses was, it satisfactorily appears that they were not traps for voters who were fond of drink, and who might be caught to vote for Mr. Onslow by being supplied with drink for nothing, but they were what Mr. White, who I suppose was the originator of them, would have no objection to have called debating societies; that they were, whatever they were called, branch committees, substituted for the committee appointed by the candidate, which, under the old style of carrying on elections, it was usual to have sitting during the election.

With respect to specific instances in which drink was ordered at the expense of somebody for others, paid for not by those who drank it, I think it now pretty clear that they have been reduced in the course of the evidence to the case of treating, by a person named Simmonds, of the workmen who were employed upon a particular building; I may pass by the King of Charlotteville (as Mr. Simmonds was called) with that remark.

There is one other case, that of Linagar. It is alleged that Mr. Onslow gave Linagar half-a-crown, with the direction to treat the company, but Linagar gave his evidence in such an odd way, and rang such changes upon the shilling he first alleged was laid down upon the table, and then the sixpence and the fourpence given him by some other persons who he said were present, and the half-crown that was given him when Mr. Onslow was going away in his carriage, with a direction under such public circumstances to treat the company, that one can hardly suppose that Mr. Onslow should have committed such a suicidal act under such circumstances; and Mr. Onslow's explanation, or rather contradiction, of the way in which the half-a-crown was given, namely, that it was given to pay for a glass of gin-and-water, and he expected to get the change, which he afterwards demanded, is entirely satisfactory to remove the evidence given by Linagar with respect to that transaction. As for treating the half-a-crown as a bribe, I did not understand that

Guildford.

to be suggested by Mr. Overend; if it was, it is disposed of in the same breath as the case of treating which is supposed to hang on the same evidence. So much with respect to treating. There is no case of treating made out.

Secondly, it is said there was a case of undue influence; that a person named Wilson was unduly influenced, by being told that Mr. Onslow would get him turned out of his employment as a scavenger under the local board. Wilson may have talked over that case till he made himself and other persons fancy that there was something in it; but, taking Wilson's own evidence, and his manner in the box, it will hardly be expected that I should say anything more about the case than that I concur with him in what I collected was his own conclusion, that there really was no influence intended or understood by him at all. I must say, taking all his evidence together, I think his manner was anything but that of a man who had undergone such gross oppression as it would have been to do what is imputed in this respect to Mr. Onslow, and I think that that oppression is not made out by the evidence. Of course, if it had been made out, it would equally have defeated the election as the treating if made out.

The charges of bribery are the next to be dealt with, and that is the only class of objection to the election that remains. First, I may take Rogers's case. Rogers's case is said to take this form: Rogers, upon being canvassed by Mr. Onslow, stated that a sum of money was due to him in respect of the election of a candidate of the same colour as Mr. Onslow at the former election; that thereupon Mr. Onslow did procure to be paid, or really did pay, the debt due from Mr. Long, with some three or four pounds over, in order to induce the voter Rogers to give his vote for Mr. Onslow. That case has been so much observed upon in the course of the inquiry, that I do not think I need dwell upon it now. I am far from saying that there is not evidence that Mr. Onslow did use interest to get that debt paid. I must go that length, I think. There is evidence that he did interest himself to get that debt paid. I put that rather upon his own account of the matter than upon the statement of Rogers; but the bare fact of his having urged Mr. Long to pay what was due, if anything was due, in order to set Rogers's mind entirely free from any influence in respect of his supposed ill-treatment at the former election, though it might be evidence of an intention in Mr. Onslow's mind to influence the voter thereby, I think is not such evidence as I can safely act upon. Then, with respect to that excessive payment of five sovereigns, it may be, as was suggested by Mr. Overend, that the mode in which Rogers gave his evidence was due to the man's illness or distraction, or confusion; that it was not due to any cause which would interfere with his credibility; certainly my impression at the time was that Rogers's evidence, considering the manner in which it was given, was not evidence which it would be safe to rely upon, except in so far as it is confirmed, and I do not think that it is confirmed, by the part of Mr. Onslow's evidence properly commented upon by Mr. Overend, to the extent necessary to establish bribery. I do not say that it was a case which it was wrong, even at the end of the case, to comment upon and to dwell upon; but the result of my consideration of that case is, that I cannot, in the case of an election in which, as a general rule, I must infer that there was no bribery, and do infer that there was no bribery, on the part of Mr. Onslow of this vulgar kind, come to the conclusion that that 5*l.* came from Mr. Onslow, or from one of his agents. It is a circumstance which throws some light upon another part of the case, if Rogers were believed, as seeming to show that there was some fund from which money did come, though in dribblets, on behalf of Mr. Onslow's side. That is the extent to which I think the evidence in Rogers's case goes; I am not satisfied to act upon that as a case in which bribery was made out.

Then there is Smith's case, in which it is suggested that Mr. Williamson, who is a tradesman in the town, in his boasting of having made a good bargain, by which he was to have 300*l.* benefit, told the witness, to use his own expression, that he was to have "a tenner" if he voted for Mr. Onslow. I pass that over, by saying that that transaction makes a different impression upon my mind from what it did upon Mr. Smith's, if Mr. Smith really thought he was to have 10*l.* from Mr. Williamson if he voted for Mr. Onslow. I do not think that was the way in which the transaction is to be viewed. I have already said this morning, if Counsel wished Mr. Williamson to be called, I should send for him; but it does not appear to me that that is a case to which any real importance is to be attached. I am rather surprised at Mr. Smith supposing that it was intended that he should have that sum.

With respect to Sutcliffe's case, in which Mrs. Gyatt was alleged to have offered him 5*l.* to vote for Mr. Onslow, the proof of Mrs. Gyatt's agency failed, and, furthermore, she was called, and gave an account of the transaction which made an end of the matter.

Then came Bellchambers' case, and Bellchambers was the one spoken to by Miss Jane Green. Bellchambers himself, being called, denied that he had been bribed (4*l.* I think was the sum mentioned), or that 4*l.* or any sum had been offered him. The most that Miss Green's evidence amounted to was, that Bellchambers told her that he had been offered 4*l.* That is a state of evidence in which, if Miss Green be right that Bellchambers did state that he had been offered 4*l.*, his statement behind the back of Mr. Onslow ought not to bind him. There was a further piece of evidence with respect to that, given by Frederick Cutts, of something that passed at the committee-room. He went into the committee-room and heard a conversation about 4*l.*, and about Bellchambers. I cannot say (there being the opportunity of asking Mr. Onslow and his agent about that, and no questions having been asked) that I ought to attach importance

to what Frederick Cutts overheard. It is a very slippery sort of evidence, the evidence not of what was said or done by the party, but the evidence of a person who casually goes into the room and hears a conversation, which resulted in a statement, "he must not be lost," and "we cannot afford to lose him"; and upon that I am to suppose that the persons who went to bring Bellechambers to the poll, if they did go to bring him to the poll, went not only to induce him to come, but also to bribe him. That is an inference entirely too remote, Bellechambers having been called, and having positively denied that he was bribed, or that any promise was made to bribe him.

Then there is Poulter's case, with respect to the chest of drawers; I think, weighing the evidence of Poulter with his own statement, that no bargain was actually made; against the evidence of Mr. Onslow, I must say I think Poulter's kicks the beam.

I think I have now gone through all the cases, with the exception of the case of Corson and the case of Glyn. They stand very much upon the same footing, though Corson appears in a better light than Glyn, because Corson was consistent throughout. He appears to have promised, as Glyn also did, to vote for Mr. Onslow, and he appears, so far as the evidence goes, to have kept that resolution throughout; whereas Glyn either changed his mind, or represented that he had changed his mind, under the influence of his wife in the letter to Madame Postelle.

I speak of them as the case of Corson and Glyn, having made that distinction between them to which Corson is entitled. It appears that they were persons who were employed upon the Ordnance Survey, and that they were properly upon the register of voters preceding the election, and being so they had the power of voting. They had before the election ceased to reside at Guildford; not temporarily left Guildford, as some of us have left our homes, without changing their residence, but they had actually ceased to have any residence in Guildford, and they had gone away to reside at Chester; they had no residence, except at Chester, at the time of the election, or at the time when they were written to by Mr. Onslow, to come and vote at the election. They had no right, and were not entitled to vote at the election. Mr. Onslow stated that he was astonished, I think he said utterly astonished, at learning that that was so. However, that astonishment, I have no doubt, has ceased, because he will probably have had the curiosity to look at the 79th section of the 6th and 7th of the Queen, c. 18, which requires that: "No person shall be entitled to vote at any future election for a Member or Members to serve in Parliament for any city or borough, unless he shall ever since the 31st day of July, in the year in which his name was inserted in the register of voters then in force, have resided, and at the time of voting shall continue to reside, within the city or borough or place sharing in the election for the city or borough, in the election for which he shall claim to be entitled to vote," or within the statutory distance. The particular sanction for that in the statute is to be found in the 98th section of the Act, by which the Committee, upon a scrutiny, and now the Judge, amongst other things, is "to inquire into and decide upon the right to vote of any person who, being upon the register of voters in force at the time of such election, shall have voted in such election, or not being upon such register, shall have tendered his vote at such election, in case the name of such person shall have been specially retained upon such register, or inserted therein, or expunged, or omitted therefrom, by the express decision of the revising barrister, who shall have revised the list of voters from which such register shall have been formed; and also, that it shall and may be lawful for such Committee, to inquire and decide upon the right to vote of any person who, being upon such register, shall have voted in such election, so far as the same may be disputed, on the ground of legal incapacity at the time of his voting under and by virtue of any statute now or hereafter to be in force, or on the ground of any other legal incapacity at the time of his voting, which may have arisen, subsequently to the expiration of the time allowed for making out the list of voters from which the register of voters in force at the time of such election shall have been formed." It is unquestionable, therefore, that neither of those persons had a right to vote, and for an obvious reason, because it is intended that the Member who is sent to represent a borough, shall be elected by the residents of the borough; he is to be the Member of the residents of the borough; a person who has ceased to reside in the borough at the time of voting is not entitled to vote, and if he does so, he filches away from every voter who is resident in the borough a portion of his right, because he diminishes the effect of the vote of each person who, as a resident, is by law entitled to vote at the election; and though Mr. Onslow was not aware of that (and I quite believe him when he says that he was astonished to hear that), Mr. Quilley was aware of that; he stated in the box yesterday that he knew that those persons being non-residents, were not entitled to vote, but seemed to think that it was yet fair tactics to take their vote, upon the chance of a scrutiny not being prayed, so that the votes might be struck off. According to that doctrine, the non-residents might actually swamp the residents; and where there is a narrow division, and a small majority in a borough, as frequently happens, you might have a dozen non-resident persons, having no more right to vote for Guildford than I have, and no more pretence for it, except their names appearing upon the register, and who are declared by Act of Parliament not entitled to vote, turning the scale, and returning a Member for a borough where they do not reside. It was wrong for them to vote, because it is wrong to do a thing that a person is not by law entitled to do, and which infringes upon the rights of others. It struck me at first that there might be an objection to the application of the law with respect to bribery in such cases, because it occurred to me that possibly the person to be bribed must be a person

Guildford.

who was entitled to vote; that when the Act speaks of "a voter," it must mean a person who is entitled to vote; but I think that is not so. I think that "a voter" is a person who *primâ facie* has a right to vote, and that seems to be expressly enacted, I think, in the Corrupt Practices Prevention Act, the 17th and 18th of the Queen, c. 102, section 38, because it says, "The word 'voter' shall mean any person who has or claims to have a right to vote in the election." These persons are persons who ought not to have voted.

Dealing with this subject of election law, which is a novelty to one's mind, one desires to keep within bounds, and to use no expressions except those that are necessary to convey clearly one's thoughts. I have been thinking of a case in which I myself would have the franchise if I resided within the statutory distance; but by reason of not doing so, by that 79th section I am not entitled to vote; and I have been thinking what would pass through my own mind if somebody said, "Never mind, go up and vote, you may never be found out; and unless there is a scrutiny, you will get in your Member all right." I think I should say, "Stay, stay; in order to strike me out on a scrutiny, it may cost the person against whom I vote a thousand pounds. What right have I to put the risk of such a loss upon another?" I think if I were a candidate, or the agent for a candidate, dealing with the case of a person who was upon the register, but whom I knew not to be entitled to vote, if I were to apply to such a person nevertheless to come up and give his vote, I should rightly be classed with those who would not play false, but yet would wrongly win. They are persons who have no right to vote. I have thought it necessary to dwell upon that, because it certainly does influence my mind in the case. They were persons who nevertheless were within the Act of the Queen against corrupt practices, and the next question is whether a corrupt practice actually took place in what was done in the case of those persons, or either of them. I will take the case of Corson. What it is clear was done was this. A letter was written by Mr. Hanford to Corson, of which I will give Corson's account. His account of the correspondence between him and Mr. Hanford is this. For the present, I do not refer to Mr. Onslow's letter, because that is only material to consider with reference to the question of agency; at present I am upon the question of corrupt practice within the statute. Corson wrote to say, "Being put to considerable expense in moving from Guildford to Chester, I could not possibly afford any further outlay at that time; but in the event of my being called upon to vote at the election, I wished to have my expenses guaranteed."

Mr. Serjeant *Sargood*.] May I beg to ask your Lordship whether you have "been called upon to vote"—the shorthand writer's note differs a little there; "in the event of my being called upon to attend the said election."

Mr. Justice *Willes*.] My note is "to vote." Do you suppose he was to attend for any other purpose than for the purpose of voting?

Mr. Serjeant *Sargood*.] Excuse my calling your Lordship's attention to it.

Mr. Justice *Willes*.] What I have of his re-examination makes it obvious what it was. "I could not have afforded to come; and I would not have voted unless my expenses had been paid." Your attendance is requested. What for? To vote. My note, correct or incorrect in words, I must therefore take to be right in substance. "In the event of my being called upon to vote at the election, I wished to have my expenses guaranteed." In answer to that, he says he got a letter from Mr. Hanford, which is not forthcoming, and of which he gave this account, "that the election was to take place on a certain date, and that if I came on that day, and called upon him, my expenses should be paid." That is my note of Mr. Hanford's letter. There can be no doubt that putting those two letters together, Mr. Hanford did intend that he should vote for Mr. Onslow, of whom Mr. Hanford was a supporter, and that he did promise that his expenses should be paid; and it hardly requires the authority of Slade's case at this time of day (though it is in point, and is a decision of the highest court in this kingdom) to show that that was a promise that the expenses should be paid, conditionally upon Corson voting for Mr. Onslow. Is that or is it not within the prohibition of the 17th and 18th of the Queen, c. 102? That was the very question that was discussed in Slade's case, and it is not affected by the subsequent legislation, 21 & 22 Vict. c. 87, s. 1, 30 & 31 Vict. c. 102, s. 36. There had been a difference of opinion whether a candidate might or might not promise the voters their travelling expenses if they came up and voted for him; whether that was such a promise of money conditional upon voting, as to be bribery within the definition of the 17th and 18th of the Queen, and amongst others, the late Sir Frederick Slade, a man of unquestioned honour, and a gentleman of considerable experience in this branch of the law, supposed, and no doubt honestly supposed, that it was not bribery; and he, accordingly, at the Cambridge election, authorised such promises to be made to voters. He was afterwards sued for penalties. The case went through many stages, and finally it arrived in the House of Lords; where on the 2nd of April 1858, it was decided, as Mr. Overend has pointed out, and Mr. Serjeant Sargood could not dispute, that such a promise was a corrupt practice within the statute; and though that may seem hard at first sight, it is anything but hard. It seems hard only to those whose minds have not reflected upon practices which I hope have nearly ceased at elections, or will soon cease, but which prevailed at one time to an extraordinary extent; practices by which, under various names (we have heard one of them in the course of this case), gratuities were given to voters under

under the pretence of paying the expenses to which they had been subjected, but which, in the event, amounted to nothing less than bribes to voters; and, amongst other means of giving such bribes for voting, was excessive payment for travelling expenses, such as appeared in many instances to have been given in the Beverley case, reported in *Wolferstone and Bristow's Cases*, page 187, where the candidate would unquestionably have been unseated for payments similar to those made to Corson and Glyn in this case, but for the fact that agency was not proved; and, singularly enough, this case illustrates the propriety of excluding shifts of this description for concealing gratuities to voters; I do not say on the part of Mr. Hanford, because I think he is free from an imputation of that kind. I cannot say that of the men who made the overcharge, because when they come to be paid their expenses, what is Corson's account of what took place? It cost him 14*s.* 6*d.* to come from Chester here; give him 14*s.* 6*d.* to go back, that makes 29*s.* Take it that it required three days to come from Chester to Guildford to vote here, though that is longer than is necessary, and give that which would not be allowed under the system before Slade's case, namely 4*s.* 3*d.* a day (I think there is one authority for allowing that), that would come to 12*s.* 9*d.*, which, with the 29*s.*, would make 2*l.* 1*s.* 9*d.* Allow 5*s.* a day for eating and drinking, which would be the allowance of a witness, and that would bring the amount to 2*l.* 16*s.* 9*d.*; not much more than half of what Corson calculated his expenses came to, and claimed at the hands of Mr. Hanford, and which he was paid, namely, 5*l.* Corson's explanation of the matter is, "I may have made it up over 5*l.*, but it was 5*l.* I think. Mr. Hanford told me not to stint myself, so as to be out of pocket. I thought I might as well charge first class" —he having travelled third. Whether you look, therefore, at this in a legal light, in respect of whether such a promise as was clearly made by Mr. Hanford, conditional upon coming up from Chester and voting, was within the Act of the Queen; or whether you look at it in a practical light, and judge of it by the result, it is quite obvious that each of those men received a sum of money beyond their expenses for coming up to vote at a place where, moreover, they had no right to vote. Therefore, those were persons who were within the Act, and there was in respect of them that which the Act calls a corrupt practice. Is that corrupt practice traced to Mr. Onslow, or to an agent of Mr. Onslow's? Now, with respect to that, there is evidence on both sides. The onerous duty has devolved upon me of weighing that evidence, and of seeing what is the just conclusion to be drawn as to whether the promise was made under such circumstances as to vitiate the election. It is unnecessary to go into any inquiry here as to general bribery; that is out of the question. I see no evidence whatsoever of the prevalence of bribery at the election, and nobody has suggested it. General bribery, the prevalence of corrupt practices, whether by the Member, whether by his agent, or whether by any undiscoverable person, bribery so general, that the Court should be satisfied that there was no free election, that there was only an apparent choice, and not a real one by the electors, would vitiate the election. I hope nobody will mistake, and suppose that because these inquiries turn happily upon individual cases, and upon whether those cases are traced to the Member or to an agent of his, that general corruption, quite apart from acts of the Member or his agent, would not have the effect of vitiating an election. It clearly would, because it would show that there was no pure or free choice in the matter; and that what took place was a scene and not a reality. However, that is out of the case here. There may also be bribery so large in amount as in itself to furnish evidence (and of that a remarkable instance has recently occurred within the knowledge of us all) not indeed of general bribery, but of bribery coming from a fund, with which it is impossible, as a matter of common sense, not to conclude that the Member, or at least an agent of his, was acquainted. In that case, the proper result would be the vitiation of the election; because the bribery being of such an extent, the probability was so strong that it must have come to the knowledge of the Member, or an agent of his, that the Court ought to conclude, at least, that it was with the knowledge and connivance of an agent, and that the election ought to be vitiated upon that ground. That, however, also is out of the question here. The inference, from the largeness of the payments made on account of the sitting Member, cannot be resorted to, because with the exception of the 5*l.* stated to have been paid to Rogers, and the sum of 10*l.* distributed between these two individuals, there is no evidence of a fund from which corrupt payments were made. Therefore, one must deal with this as a case in which it is necessary to establish, and the question is, whether that is established, that an agent, for whom Mr. Onslow is responsible, did make the conditional promise of payment. The person who made the payment was Mr. Hanford, and he did so in concert with Mrs. Hughes. Of course, Mr. Hanford could not be excused for what he did by acting under the directions of that lady. The only reason for mentioning her name is because the fact of her interference did at one time give very considerable significance to the act. Now, what is the evidence upon the one side and upon the other on this question on which the fate of the election depends? The evidence to show that Mr. Hanford, in doing what he did, was acting by the instigation of Mr. Onslow, is not such as I am called upon to pronounce a judgment upon. I see no evidence that could at all fix Mr. Onslow, in the sense of bringing him within the more penal clause of the Act of last Session. I therefore limit myself to that which is the practical question, whether there is such evidence that I ought to come to the conclusion that he is answerable for this act through his agent. The evidence of that is of this sort. Mr. Quilley was unquestionably the agent of Mr. Onslow in the election, so was Mr. Russell. Corson and Glynn stated, that upon informing Mr. Onslow that they would vote for him, they stated that it was likely that they might remove before the election;

Guildford.

but they were asked by Mr. Quilley for their address, or gave him their address. The information was given to Mr. Onslow that they would be likely to be away, and their address was left with Mr. Quilley. They removed to Chester, and the election being soon expected, upon the 4th of November this letter was written by Mr. Onslow, addressed to Corson: "My dear Sir,—We expect that the election will take place on or about the 15th of the month, but as to the exact day we shall let you know. I venture to inform you of this that you may know about the time I shall expect to see you. I am, yours, faithfully, *Guildford Onslow*."—That letter was dated from the committee-rooms at the "White Lion." The address is in Mr. Quilley's handwriting. That letter does not come within Slade's case; it is a request that they should come; it says nothing about the expenses. That of itself is not sufficient to fix Mr. Onslow, and I do not think Mr. Overend even suggested, that standing alone, that letter had any such significance as to be within the statute. It is clear to my mind that it has not. It only raises a suspicion that it might have been thought probable that those men would not have come without their expenses, a suspicion which one ought not to act upon. That letter having been written to Corson, he soon after wrote back an answer; the answer was, he says, addressed to Mr. Onslow. That letter I have already referred to. It was, according to Corson, a letter stating that he had been put to considerable expense in moving from Guildford to Chester, and that he could not possibly afford any further outlay, and would expect to be guaranteed his expenses in the event of his attending or voting. The language seems to import the same thing; attending effectually; attending for Mr. Onslow's purpose. That letter was written, according to Corson, to Mr. Onslow. Glyn appears to have relied upon Corson's letter; he does not appear to have written a distinct letter of his own. Corson receiving no answer from Mr. Onslow, soon after received a letter from Mr. Hanford, in effect, stating (I need not recite it further), when the election was to take place; and if he came and called upon Mr. Hanford his expenses should be paid. Upon that he did come to Guildford, and he did vote; he met Mr. Hanford in the street, went with him to the newspaper office, and there gave the account of his expenses, which I have already observed upon, and received 5 l. He did not see Mr. Onslow or Mr. Quilley, or apparently anybody else connected with Mr. Onslow; he only saw Mr. Hanford in the matter, and I think Mrs. Hughes. I think there was some cross-examination as to the amount of his expenses not having been sent in. I do not know that anything much hangs upon that; it is perhaps a circumstance that may be referred to as forming part of the evidence on that matter. Now, Mr. Hanford is the person who takes this course, and Mr. Hanford is on Mr. Onslow's side, and was an active supporter of his for some time before the election. Was he a supporter in the sense which would make him an agent, or which would supply evidence of his agency? It appears from his statement, and that of Mr. White, that district committees—I must call them committees, because they were committees—they consisted of persons to whom the conduct of the election in the district was committed, and they did attend to it just as a committee would called by the old name; there was more talking at them than probably would have taken place at one of the more old-fashioned committees; I think Mr. White said that they had the effect of developing some very fine Parliamentary eloquence; but with the exception of that, if that be an essential difference, I observe none between them and what would ordinarily be called a committee, except that the committee, as so constituted, had several heads, whereas an ordinary committee would have but one. Mr. Hanford was in the habit of attending, from time to time, at those meetings. He has not proved, and he denies, himself that he was a committee-man either at the general committee or at those district committees; and the account given of his interposition by Mr. White was, that he, Mr. Hanford, having the gift of eloquence, used to be invited to attend at the meetings, and used to address the audience there. I think the result is, you have it that a person who was very desirous that Mr. Onslow should be returned, and who was very active in the cause, and who was in the habit of attending and making speeches at the committees, but who was not a member, according to him and Mr. White, of the body acting either upon the general committee or upon those local committees, was the man through whom the promise and that payment were made. As a rule, it appears to me, that an authority from the candidate or his agent to canvass or procure votes on his behalf, is the test of agency. I do not limit the agency within those bounds, because it is quite obvious to my mind, especially from the astute remarks of Mr. White, that agency may, under the new system, assume a novel form, in which it will be necessary for the Court to recognise it; but as a rule, and I do not feel disposed to make exceptions to rules without seeing very clearly that the exception is not within the spirit of the rule; as a rule, agency to bind the Member would be agency to canvass or to procure votes on his behalf. Such agency is not proved on the part of Mr. Hanford; such agency he denies; he says he had no agency of that description. I believe that these are the circumstances on behalf of the affirmative of Mr. Hanford being an agent, and they are accompanied by the remarkable fact of 10 l. being freely paid out, with an encouragement to the voters not to stint themselves in their account, taking Corson's evidence, paid out by persons, who, whatever other interest they might take in the election, could hardly be expected to expend so much money even on the part of a favourite candidate. That was a case affording, it appears to me, considerable, if not strong, inference, as it stood, that Mr. Hanford must have been set to work to do this by some agent at least of Mr. Onslow. Now, however, I must take the evidence on the other side; because, whilst this is the inference that might be drawn from the case unanswered, I must take care I am not prejudiced

prejudiced by the first word, and I must carefully consider also what was brought before the court on the other side. On the other side, in answer to that inferential case, Mr. Hanford and Mrs. Hughes were brought forward; and though Mr. Overend, for the Petitioners, felt himself bound, no doubt exercising a proper discretion, to put Mr. Hanford and Mrs. Hughes into the box, and indeed he lost nothing by it, because they must have been called on the part of the Respondent if they had not been called on the part of the Petitioners, I treat them as witnesses on the part of the Respondent. Mr. Hanford and Mrs. Hughes being called, Mr. Hanford denied first, generally, that he was ever present at the committee at the "White Lion;" he denied, in effect, his being a member of what could be called a committee at any of the other places, and Mr. White corroborated him that his attendance there was as a speaker, and that that was the only part he took in the matter; he admitted having received various circulars which I have read, and which, so far as they relate to the formation of the executive committee, I think end some time in September, but which, with respect to the district committees and the power to introduce an elector, or even a friend if he thought proper, ran up close to the time of election. Though he admitted having received what I may call the circulars, he denied, and there is nothing to countervail that denial, that he did receive any authority from Mr. Onslow or any agent of his to canvass on his behalf; and moreover it appearing that Mr. Onslow did issue authorities to canvass, or to continue the canvass on his behalf, to other persons by circulars, one of which was produced, dated the 9th of November, Mr. Hanford stated that no such circular did come to his hands. With respect to the particular transaction in question, he says that he was not set agoing by any person who has been connected with Mr. Onslow; that he was not set agoing by Mr. Quilley or Mr. Russell, who made visits to Mrs. Hughes about the time that this transaction took place (which by-the-bye I ought to have mentioned as part of the evidence to sustain the affirmative); that he did not act under the instigation of Mr. Onslow or Mr. Quilley, or any person connected with Mr. Onslow, but that having learnt from a corporal in the Engineers, whose name he gave as Laing, that those men would be willing to come to Guildford if their expenses were paid, and learning their address, not from Mr. Quilley, with whom they had left it, but from the corporal, who would naturally know of it, he mentioned to Mrs. Hughes the fact that those two persons whose names were on the register were at Chester, and that they would be willing to come up if their expenses were paid or were guaranteed. Upon that he says, Mrs. Hughes told him to write to them, and that he did write to them a letter, stating that their expenses would be paid if they attended the election. Then Mrs. Hughes was called; Mrs. Hughes says, "My husband, who was a supporter of Mr. Onslow, had shortly before died, and was only just buried, and it is true that I, out of my own heart, when I learned from Mr. Hanford that the men would come up and vote if their expenses was paid, told Mr. Hanford I would pay them myself; I did not know at the time how much it would be, but I did direct the writing of the letter." She said, it is true that Mr. Russell and Mr. Quilley called upon me, Mr. Russell before the election and Quilley soon after; she thought after the election, but she says that nothing passed with them or any agent of Mr. Onslow with respect to the matter; and she stated (and so far as language went, she was unshaken in her statement) that this was an act to which she and Mr. Hanford were parties, and that it was not an act suggested by any agent of Mr. Onslow. Mr. Onslow was called; he denied receiving the letter of Corson, stating that his coming would be conditional upon his expenses being guaranteed; he says that there were other out-voters; he denies that he gave any authority to pay the expenses of out-voters, or to promise the payment of expenses of out-voters; so much for Mr. Onslow. Mr. Russell, the agent for the general management of the election and for election expenses, was called; he did not interfere much; he also states that he knew nothing of the matter. Mr. Quilley was called; Mr. Quilley, certainly I thought in the first instance, meant to say that he knew nothing of Mr. Onslow's letter to Corson, but if he meant that (that was the impression upon my mind, it may be an erroneous one) he certainly was mistaken, because the letter to Corson was directed by Mr. Quilley himself; he denies that he had had anything to do with promising to pay the expenses of those out-voters, or that he, or anyone to his knowledge, or with his authority, had had anything to do with promising to pay the expenses of the out-voters. He was asked about his knowledge that those people had a right to vote, and he obviously was quite aware that, having ceased to reside, they had no right to vote; I do not choose to make any further remarks upon that part of the case. He was asked whether he expected those men to come up without having their expenses paid, and he said "No, I thought somebody would pay them, I did not know who; I abstained from informing myself who would pay them; I chose to be within the law, and I did not inform myself upon the subject; I know nothing of Mr. Hanford paying them; I never suggested that he should pay them, and I know nothing of the means by which he did come to pay them." I believe that is a summary of the case upon the one side and upon the other. There are coincidences so strong in the date at which those men heard from Mr. Hanford, as compared with the date of Mr. Onslow's letter, and there is an improbability so strong that Mrs. Hughes should have paid that 10*l.* out of her own pocket under the circumstances, that it is exceedingly difficult to believe that the transaction could have been, as it is represented to have been, by Mrs. Hughes and by Mr. Hanford; but whatever that difficulty may be, I cannot exclude from my mind, that whilst upon the one hand there is evidence of exceeding strength, and upon which I must have acted had not those witnesses been called upon the part of the Respondent, whilst there is exceeding

Guildford.

strength in the probabilities of the case in support of the affirmative; I cannot adopt the affirmative without believing that at least two persons have been guilty of perjury; I cannot bring my mind to that conclusion; I must, in order to arrive at the affirmative conclusion which is founded upon inference only, and does not depend upon the direct testimony of any witness, reject the positive evidence of two persons, and I must believe, more or less, that at least two other persons, certainly one, is concerned with those two in keeping back the truth.

I am strongly impressed with this case as being one which was most proper to be investigated, as one which not only saves this petition, in respect of more than one circumstance connected with this branch of inquiry, from being designated as either a frivolous or a vexatious petition, but which entitles it to be considered as a petition founded upon such strong *prima facie* grounds, and attended with such reasonable and probable cause for pursuing the inquiry to a termination, that if my Brother Sargood should be instructed to call upon me to visit the Petitioners with costs, I shall certainly not be prepared to accede to that application. I rather suspect that, in the result, the conclusion at which my mind has arrived, not without great misgiving, at the first complicated question of fact, which has been brought before me in the course of these new inquiries, but with, I hope, a determination to arrive at what I really believe to be a just conclusion upon the evidence, will be unsatisfactory to both parties. If it be, it is not my duty to satisfy them, but to decide between them.

The result is, that I determine that the Member whose return is complained of by the petition, was duly elected and returned.

Secondly, that no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

Thirdly, upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

Fourthly, that two persons named James Corson, No. 61, and John Glyn, No. 93, whose names were upon the register of voters for the borough, but who had ceased to reside, were induced to vote for the sitting Member, by a promise of their expenses made by Robert William Handford, and that after their voting they asked and received from him, in pursuance of that promise, each 5 *l.*, being a sum exceeding their expenses respectively.

It did not, however, appear that Handford knew of the excess, or meant corruptly to reward them.

With respect to costs, I must order that each party bear and pay his costs of this petition.

Hereford.

HEREFORD ELECTION.

JUDGMENT delivered by Mr. Justice *Blackburn*, 15th March 1869.

Mr. Justice *Blackburn*.] I do not think that I need take any further time to consider, because I have had an opportunity of looking over the notes, and having had my attention called to a considerable part of the evidence now on each side in detail, I am now as fully prepared to express my opinion upon this case as I should be at any other time.

First of all, I will state at once that there has not been any attempt to show that the candidates, personally, have been parties to anything that has been wrong here whatever, and, indeed, the evidence leads me to the conclusion that this is one of the cases where it is not so much the fact that the candidate comes down to the borough, as that the local interest in the borough brings forward the candidate, so that this really is, as it seems to me, a case in which the candidate is standing on the local influence, and for those who bring him forward, and who are active for him in that way, the candidate is as much responsible as if they were his agents; but, perhaps, it is a more accurate phrase to call them his constituents than to call them his agents, though "agent" is the phrase which has been always used, and which we must therefore take.

Now, first, there are complaints made here on the ground of bribery, on the ground of undue influence, and on the ground of treating. As to those complaints relating to bribery, I think that no case of bribery has been made out in a way which would at all justify me in acting upon the belief that bribery has been committed by an agent of the candidate. I qualify it in that way, stating it simply, that I do not think it is made out in such a way as would justify me in acting upon it, because there is evidence, and evidence of great suspicion I think, and in reference to two cases of very considerable suspicion indeed of it, but not such as would justify me in acting upon it.

I allude, in the first place, to O'Hara's case, where the evidence is this: O'Hara, it is perfectly clear both sides agreed upon that, had avowedly said that his vote was for sale; he himself says that he said so, and Mr. Bosley says that he did say so to him. Then there comes a discrepancy between him and Mr. Bosley, in which there is the positive evidence of each opposed to that of the other. O'Hara says that Mr. Bosley said, "I can give

Hereford.

give you nothing myself, but I will send some one down to you." Mr. Bosley said that instead of that, he became very angry with him, and said with an oath that he would not give him a sixpence. There is a direct conflict of testimony between the two, and we must go on and see what happened afterwards. Mr. Bosley did not conceal at all that O'Hara said this; indeed, it must have been pretty well known, probably, not only from what Mr. Bosley said, but from what the neighbours said also, that O'Hara's vote was for sale. Later in the day O'Hara does poll, and does poll for Mr. Bosley's side, and at the time when he does so poll there was a fly at the door, and there is no doubt that there were various people about him trying to influence him, and there is no doubt that he was seen to come out and go into the fly, and go and poll. The woman Morris, who was present at that time, says that she saw a person in light clothes. She mentioned Arnold Jackson who she said used the phrase, "If he would not go for his church, let him go and be damned," which Arnold Jackson said he did use. That being so, and there being a man in light clothes undoubtedly there, Mrs. Morris swears that she saw something which she thought was gold put into O'Hara's hands; O'Hara had at this time, it must be observed, come out of the house, and had begun to go towards the poll, and if the money had been put into his hands at that time, it is certainly an obvious remark that those who were bribing him were marvellously indiscreet, because having had the opportunity of giving him the money inside, they did it when he was outside, and when the act would be seen by witnesses. That it would have been an indiscreet thing is obvious, and it is not improbable that a woman like Mrs. Morris, who entertained a strong suspicion, might have fancied that such a thing did take place. Then, after this, O'Hara himself is called as a witness; he is called under circumstances which totally deprive one of the power of believing him. He may speak the truth, but it is by pure accident if he does. It appears that after this he was asked if he would give evidence (I do not blame those who asked him), and the end of it is that he promises to come and give evidence, and he gets a payment of 5 l. down, and a promise of 5 l. more when the evidence is given, and I think I do O'Hara no injustice in saying that, as by his own account he was ready and willing to sell his vote, at the same time I think he was ready and willing to sell his evidence also, I cannot trust him at all; that is sufficient to say. When I come, therefore, to contrast his evidence with Mr. Bosley's, I must believe what Mr. Bosley positively swears against O'Hara's statement. If I could believe for a moment that Mr. Bosley said, as O'Hara swears he did say, that though he would not give him anything himself, yet he would send some one down to him, I would at once come to the conclusion, without more, that those who did go down, and did see him, at the time when he was about to vote, did come from Mr. Bosley, and that they moreover spoke in a way which Mr. Bosley would not himself have done; but there is more. I have Mr. Bosley's positive oath that nothing of the kind happened, and I think every one must perceive that I cannot act upon the evidence of such a man as O'Hara against the evidence of a man in Mr. Bosley's position; consequently I cannot act upon O'Hara's evidence.

Then, too, we have had every one that could possibly be brought to speak to the man in the light clothes; I thought at first that the man in the light clothes could be traced, but it was not as I at first supposed, that a fly drove up with three or four people in it and carried the man off, in which case they must have known who this person was, but it seems that the fly was plying there, and when Harley (according to his own evidence which as he was unwell was taken by commission) went into the place, and brought him out, Harley's evidence is that he went in alone, then when he got into the fly, others, Arnold Jackson and Nicholas the plasterer, get into the fly, and also a man in white clothes gets into the fly. Nicholas and Arnold Jackson are both called, and both say that they got in in this way that I have described, and that there was a man in light clothes who got in also, but that they cannot remember who it was. Taking that, and remembering that when O'Hara swears that the man in light clothes went in and gave him money inside, and that that is in direct conflict with Mrs. Morris, who says that she saw him give O'Hara the money outside, and is in direct conflict also with Harley, who says that he went in alone, as I have already said, O'Hara is not to be trusted. I think that, although undoubtedly there is evidence which, if I could believe O'Hara, would convince me that there had been bribery, when I have these oaths against his evidence I cannot possibly act upon his evidence against the weight of the evidence, which is upon the other side.

Then there comes the next case which Mr. Price relied upon, Morris's case. There is no doubt that Mr. Russell did go up the street, coming out of a public-house in Gaol-street, talking with Daniels at that time, and that then, Morris, who was in the public-house, did come out and speak to him. There were two people who were there and saw what took place, and they tell the story, as to which there is very little difference between them. They say that they saw them speak; that they saw Mr. Russell pull something out of his waistcoat pocket, and show it to Morris, who laughed, and shook his head. Then they go on to say, that after that Mr. Russell put his hand in his pocket, and pulled out a handful of silver, and gave it to Morris. That, undoubtedly, called for an answer, and some evidence to show that that which was given was not money, or else one would draw the conclusion that it was given for a vote. There we have Mr. Russell's denial and Morris's. Then Mr. Russell states that he was walking with Daniels, talking about other voters, and about people who wanted a glass of grog before they would vote, matters which were not pursued, and are, therefore, only of slight effect as to treating, as they show what might have been in people's minds at that time. They state this, and they also state that Morris, who had already pledged his vote, did come out at the time when they were talking about

Hereford.

the state of the poll. But they say that what he was shown was the state of the poll on a card, and that he was asked to go and poll immediately. I think it very likely indeed that Morris might laugh and shake his head. Then (though he does not say so), he evidently preferred staying in the public-house for some time longer, before he went to poll. All those three totally deny that any money passed for any purpose at all. Therefore, I am induced to think either that the men, who say they saw it, fancied that there was money given, which is not an impossible thing to do, at the same time making an honest mistake, or that the three persons, William Russell, Daniels, and Morris, deliberately swore a falsehood. Both those things are quite possible; but I think that the balance of probability is greatly in favour of the Respondents, and that, as in O'Hara's case, there is nothing upon which I can act; indeed, I would go further, and say that in this case I think if it were necessary I should act affirmatively upon the belief that money did not pass.

Then Merrick's case is relied upon. Then there is something again to be considered as to what really did take place. Merrick, undoubtedly, wanted to be paid his day's wages. Charles Turner, who was with him, seems to have thought that there was no harm in that, and said that he would try and get them for him. Charles Turner took him to the committee-room where the tickets were being given out, and there is no doubt that there he did ask somebody for his day's pay. Now, he says that the man whom he asked was the person who wrote out his ticket. It appears that he did not know the people who were there at all, and he was first told by Turner that William Russell and James were there, and he thought from that that it was William Russell who had written out the ticket, and said that he should have his money; but afterwards, being told that it was a mistake, and that it was Mr. James who spoke to him, he altered his account of the matter, and told us here that it was Mr. James. An imputation is thrown out that Turner had deceived him in that respect, and that Mr. William Russell was really the man. But it should be observed that Merrick, when giving his evidence here, was distinct and positive that it was Mr. James who did it, till he was cross-examined upon it, and when cross-examined it appeared that it was from hearsay that he said it was Mr. James, and that he stated so because of what Turner had said; but that only amounts to an inaccuracy in statement. I do not think it imputes an intentional misrepresentation to him. It is not by any means so easy a thing to tell a story so as to tell the truth, the whole truth, and nothing but the truth, as one might think who has not tried it; it is very difficult to be precisely accurate. Then although Mr. James says that he cannot remember the case, it appears that he wrote the ticket, because it is in his handwriting, but his recollection is, that a good many people asked him for their day's wages, and that his universal answer, right well knowing the consequences of doing what they asked, was "No." This much struck me as certain, that when Merrick went out he did not think that he had got his day's wages secure; he was not satisfied, and he and Turner again went to Mr. Bosley, and asked for them. Now Mr. Price made a great deal of this; that in the story as it was written down for his instructions (which no doubt was the story as Merrick told it, and as Merrick stuck to it here), it is stated that he went and asked Mr. Bosley for his day's wages, that Mr. Bosley did not simply say that he could not promise him at all, but that he went on in effect to say this, "If others do not pay you, I will pay you; I will see you satisfied." And that then Merrick says he was not satisfied at all with this, and did not like it, and that then Mr. Bosley turned round to Turner and appealed to Turner as to whether Mr. Bosley's word was not good for the 5s. or 6s., to which Turner, according to him, said, of course it was good for a thousand pounds. Now this was all written down as Merrick now tells the story. Turner denies it, and tells the story differently, and whether he or Turner is correct on that, of course would be an important matter to consider. Then, in order to show that Turner was not correct in his way of telling the story, the Petitioners' counsel tried to prove that this Turner had previously made a different statement, and they properly tried to do so, because where you do call a witness who has told you, I will prove that a thing is black, and who, when he is called, proves that it is white; you cannot, it is true, make his evidence show that the thing was black, but you may show that, having previously stated that it was black, he is unworthy of credit in having said that it was white. To that extent you may contradict your own witness. Here, if it had been shown that Turner had deliberately stated that Mr. Bosley did say all this, and had added, "I will come and swear that he did," and then, for some reason best known to himself, comes and denies the statement, so that he either is telling a falsehood here on his oath, or was telling a deliberate falsehood before, that would, of course, have shaken his testimony in that matter altogether. But it appears that the way in which Turner's evidence was taken was merely this: that he was brought into a room, and then there was read over to him Merrick's statement, and that there was said to him, "Here is Merrick's statement as to what took place between you and him; now just listen to it and see if it is accurate." The story was read through to him, and he was asked if it was accurate, and he said there is some which is not; he was asked to mention the parts that were not accurate, and he did not mention this particular conversation with Mr. Bosley amongst the things that were inaccurate. I have already spoken of the difficulty there is in answering a question of that sort, and I do not think that that shows that Turner was necessarily speaking a falsehood at that time, and therefore I do not think it justifies the remarks which Mr. Price made upon it. Then we have Mr. Bosley's statement of what took place, and Mr. Bosley says he distinctly told him that he would not promise him. I think, taking the matter

matter altogether, there is a probability that, although Mr. Bosley at that time told him that he would not promise him anything of the sort, he did not so distinctly state that he should not have it at all, as it would have been desirable and proper he should have done. I think, myself, from the manner in which the man acted afterwards, and from the whole evidence taken together, that, although Bosley took care not to promise anything, he did not take quite sufficient care to make the man quite sure that nobody else would give him his wages; he did not say "I will pay you the wages myself," because that would be bribery. I think the probability is that he did not say that, but I think that he did not take sufficient care to make the man understand that no one else would give him his wages. Still, that falls very far short of bribery; here, again, unless I am satisfied that Bosley really did promise him money, it is not bribery. If Merrick is right in what he states, he did promise him money, and it is bribery; but if he did not promise him the money, it is not bribery; if he did promise the money, then I must again say that Mr. Bosley and Turner are both speaking what is untrue. Where there are two people in a respectable position who differ from a third, though there may be inaccuracy to some extent on either side, I cannot say that the two are guilty of falsehood, and I therefore cannot act upon that case.

Then, as to the other matters which there were offers or negotiations about, taking Mrs. Stanley's case for instance, my belief is that the man was only there to see whether her husband's vote was for sale or not, because I do not find any one offering a price for it. I do not find anything in that case that would lead me to the conclusion that he was offering a price for that vote; he may have been wishing to ascertain whether he could not fix the Conservative side, if their candidate got in, with bribery. He may have been doing it one way or the other, but I see nothing there that amounts to his offering a price for that vote.

Then there is the case of Hughes and the man Bethel. There is no doubt whatever that Hughes is a most disreputable person, and I am sorry to see that the franchise has gone so far as to bring such persons within it; a man who keeps a brothel, and who says that he was offered 2*l.* for his vote, and would not take it because he intended to get 5*l.* No doubt he was there, and his vote was for sale. Bethel's own account about it is, that he had gone so far as to say that if he were in distress he would lend him 2*l.*, which probably would have been if carried out, another word for giving him 2*l.* But then the matter went off. Now, if money had actually passed, that would have been a complete case of bribery. If there had been a clear offer of 2*l.*, that also would have been a case of bribery. But there is always a very great difference, in my mind, between the proof of agency which would fix a person for executed bribery, and the proof of agency which would fix a person for an offer or chaffering for a bribe. Now, I do not think that Bethel is shown to be a person of such trust and position that an offer on his part would fix the candidate and vacate the election. I think that if there were an offer from a man in such a position as Mr. Bosley, that certainly would do it. There is always a great difference, in my view, in the degrees of agency. As you go lower down, you require more distinctly to show that the act was done by a person whom the candidate would be responsible for. As you come higher up, it is more as if the candidate had done it himself. I think that for such a purpose as fixing a candidate for the chaffering for a vote not actually carried out, you require more complete evidence of agency than you would require for an offer actually executed.

The other cases were not relied upon, and really there was nothing that amounted to evidence upon them. Those which I have stated are the bribery cases, and those are cases, as I have already pointed out, upon which I cannot act.

Now there comes the other matter, which is the really serious matter in the case; and that is, as to the treating. Now, upon that the terms of the Act of Parliament regulating the matter now are clear and distinct: "Every candidate at an election who shall corruptly" (the word "corruptly" means contrary to the intention of this Act, with a motive or intention by means of it to produce an effect upon the election; not going so far as bribery, but with a motive thereby to influence the election), "by himself or by or with any person" (I pass over some words), "directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person in order to be elected or for being elected, or for the purpose of corruptly influencing such person, or any other person, to give or refrain from giving his vote," shall be deemed guilty of treating. Now, in that case, as well as in others, a candidate is responsible for the acts of his agents when they are so far agents that what they were doing they have been employed or authorised by him as agents to do; he is answerable for their corrupt acts although he may be no party to them. Then comes a question, which is always a very difficult one in such cases; it is a double question. One is, was the meat, drink, and entertainment given with what the statute calls corruptness? I have already said my explanation of that word is, given with the intention of influencing the election—with the intention of influencing an election generally, as by acquiring popularity, or with the intention of influencing a particular voter to vote or refrain from voting. Another question is, is it given in such a way that the agents of the candidate, those who can be considered as identified with the candidate, were, in the comprehensive language of the Act, either the persons who gave it or were accessory to it? That, of course, raises a very difficult question. What is the degree of agency? What is the relation between

Hereford.

a candidate and a particular person which would make the candidate responsible to the extent of losing his seat if that particular person has given meat or drink corruptly?

Here we have both questions raised on the two great points to which I have recently directed the attention of counsel. The most important case, the great case, has reference to what took place at Mr. Harrison's breakfast, and there I need not say that, as I think, it would be idle to attempt to go through the evidence to show that I am justified in coming to the conclusion, that what Mr. Harrison did give there was given with the intention which the statute calls corrupt, namely, with the intention to produce an effect upon the election. The town is invited, everybody is invited to come who will on the morning to have drink there, and there are breaks and vehicles to carry the people to the poll, and they are actually driven to the poll; and really it struck me that the attempt to say that that was not done with the purpose of influencing the election was not very candid on the part of the witnesses, and did not convey a very high compliment as to their estimation of my common sense. I can entertain no possible doubt upon that point.

Now comes the other important question, which is, the amount of agency. That is a difficult question of law and of fact. I have never been able myself to get a precise definition that satisfies my own mind of what is the degree of relation that would constitute a man an agent. Almost everything is evidence of it tending that way, and all that one can do, I think, is to look at the particular acts that are done, and to remember the reasons for which the Parliamentary law differs from the common law in that respect. In the common law a man is not responsible for the act of his agent, except where it is done directly according to an authority which is given to him. In Parliamentary law it is otherwise. A candidate, who has really meant that his agent should not commit a corrupt act, is nevertheless responsible to the extent of losing his seat if the agent does commit a corrupt act. And for that difference in the law so established by Parliamentary Committees formerly, and now recognised by statute, it seems to me that there are two principal motives. I will not say that they are the only ones, but they are two principal motives. It would not be possible to unseat a person for corrupt practices if he were permitted by the means of persons who acted for him, or who brought him forward, either one or the other, to obtain the benefit of their aid, if he were not to be also responsible to the extent of losing his seat for the corrupt practices that were done by them for his benefit. That is one of the great reasons for which, as a matter of public policy, it was thought necessary, in order that it might check corrupt practices, to establish that principle. Another, and a very considerable reason no doubt, was that in all elections where extensive corrupt practices, bribery and the like prevailed, great care was always taken that the candidate should be ignorant about it. The men who had corrupted, who paid money, carefully kept the candidate from knowing anything about it till after the election was over; then they would come forward and say, "Of course, when I advanced this money I took care that you should not know of it. I have spent 5,000 £ or 6,000 £ on your behalf, and now, as a matter of honour, you must repay me, because I was acting for you." And from the loose morality which formerly did prevail at elections, and which I do not say is completely got rid of, candidates did think themselves bound in honour to pay, and did pay. Consequently the Parliamentary election law became established, that a person was responsible for the acts of his agent in that way; and the question very much was, was that agent, when doing the thing in such a position that there would be that claim on the candidate, according to the false morality of Parliamentary election matters, to recoup him for what he had done. Now, those are two reasons for the Parliamentary law differing from the common law. They were not the only ones, but they do give two very good guides and assistances. And I apprehend that in a case where corrupt practices are shown which the candidates themselves are not cognizant of, you must bear these two principal reasons in mind; and then exercising what may be called common sense you must see, does the particular corrupt act come within the rule as an act done by an agent. If it does not, then, though the person may have been canvassing the town, or speaking on one side or the other, still we could not say that the candidate should be unseated on that account. Every bit of canvassing and acting for a candidate is evidence to show agency; but the result cannot depend upon any precise rule that I could define. It comes to be a question of degree, of more or less, and of common sense. It happens that from the nature of things when you come to a question of degree, of more or less, and of common sense, and leave it in that way to a jury, if there were a jury, the jury would determine it sometimes in one way, and sometimes in another. Unfortunately, where judges are obliged to be judges of that question of degree and of common sense, there is an unavoidable uncertainty, because it is quite clear that the common sense of one judge will differ from the common sense of another. To use the old simile that was used by Mr. Selden many years ago, and which is none the worse for being old, the standard of common sense as determined by a judge's common sense would be as uncertain as a measure of length, the unit of which should be the judge's foot, because one judge's foot would be longer, and another's would be shorter. We cannot help that. I wish with all my heart that the Legislature would find out some test to relieve us from that uncertainty. I can only say I have not been able to invent a test; and if I could, I would not make it law. I should be excessively glad if any one else having the power to make it law, would invent it.

That being so, let us see what we are to say as to whether Mr. Harrison's breakfast is shown to have been known, and to have been done in such a way as to be fairly considered an act for which the candidates should be responsible. And remembering that in this case, as I have said before, the candidate must be considered as brought forward by the local

Hereford.

local people rather than the candidate coming forward and standing himself, we have first of all what Mr. Harrison was himself. He is not a voter. I do not think it has been affirmatively proved that he was any more in direct personal communication with the committee than this; that he did go to Edwards at the committee-room on two occasions; that he saw Edwards there, and that he having given Edwards a list of the names of the people connected with the railway, and of those in his own employment, Edwards gave him a list of the names of those who were voters; and I come to the conclusion from that, that Harrison got that book, and that Edwards gave it to him with the intention that Harrison should ask these men for their votes. Then, of course, Edwards filled a very subordinate position, and I am not by any means prepared to say that if Edwards in his subordinate position had asked a person to canvass that would make the candidate responsible for what that person did. It appears also, however, that Mr. Bodenham, who certainly was almost the head of the affair, did ask Mr. Harrison to canvass two particular persons, and wrote to him to that effect; and that goes further to say that Harrison was asked to canvass; but I do not think that being asked to canvass two distinct and specific persons would make him a general agent, so that for anything else he might do the candidate would be made responsible. But then we have to deal with a much more serious matter—that he is seen in company with Mr. Bosley, who is certainly one of the leading men who bring forward the candidates, and one of the persons for whose acts they would be responsible. To what extent Bosley knew that Harrison was acting we have not very definitely shown. Mr. Bosley himself was not pointedly asked upon it; and if, at the time, my recollection had served me, I would have asked him the question myself. I suppose that neither side liked to ask the question for fear they might get an unfavourable answer, and I take some blame to myself for not recollecting that. What Mr. Bosley did know about it we do not distinctly know; but this much does appear, that Mr. Bosley did speak to Mr. Wyllie as to what Mr. Harrison had done, in such terms as to draw forth from Mr. Wyllie the very glowing letter we have heard of, in which Mr. Wyllie thanks him for his services; and that for some reason or other somebody did so speak to Mr. Bodenham, upon which Mr. Bodenham did the same thing to Mr. Clive, though Mr. Clive, having received his information from a lawyer, in a very business-like manner wrote a cooler letter than Mr. Wyllie's. We have this very clearly that in both cases Harrison's services were, on the very day of the election in the one case, and in the other case the day after, acknowledged by the leading men, and that for those services he was thanked in letters from the candidates themselves. That goes a considerable way, though it is not conclusive, to show that Mr. Harrison had been by them adopted as an agent to a great extent. Then we have this, that he had gone on one occasion with Mr. Bosley (that in itself is not very much), he had been in company with Edwards when he was asking the railway men for their votes; and it was exactly the railway men whom Mr. Harrison would be likely to influence.

Then comes what took place at the breakfast. The invitation seems to have gone forth to everybody and everybody's friends; it was the whole town, and everybody that liked to come was to come; that is really what it comes to. We have it shown that Edwards invited people, and brought them up; that Williams, of the "Sawyers' Rest," who is a committee-man, invited them, and brought them up; that Rowlands, a committee-man, though not a very active one, brought them up; Henry Davis, who has been marked as being a captain, was also shown to have brought them up, and Lloyd, who is a committee-man, was shown to have been there; and probably there were others. John Russell was there at the time. John Russell I do not so much rely upon, for although he had been originally appointed a captain, yet, at the first meeting at the "Saracen's Head," he seems to have been the worse for liquor, and after that, according to his own account, he kept aloof from them, and he seems to have taken offence; and according to Bodenham's account he kept aloof from Mr. Russell. I do not think that any active agency has been shown on his part for which he was peculiarly responsible. I do not say that any one of these things would satisfy me that Harrison was an agent. Taking simply the fact that he gave this breakfast, or merely that he had gone with Mr. Bosley to canvass, I do not say that that would satisfy me, though it goes strongly to prove it. Nor would the fact that Bosley had spoken of him afterwards as having done such good service; nor yet do I say that the fact that Williams being a committee-man brought people to his breakfast would satisfy me; nor yet that Edwards, who had been employed about these railway men to some extent, brought people up to the breakfast; nor yet that Lloyd was there, nor yet that Henry Davis was there. No one of these things by itself satisfies me that Mr. Harrison's breakfast was one for which the party who were bringing forward Mr. Clive and Mr. Wyllie are to be considered responsible. Yet taking them altogether, a number of little pieces of evidence do produce an effect upon my mind which leads me to say that, according to the usual rules in Parliamentary matters (that this which is certainly an act of corruption is so clearly brought home to the agents and persons in authority as to constitute them accessories to it, and for which the candidates ought to be responsible), I cannot do otherwise than come to the conclusion that this act is one which avoids the election. I am very sorry for both Mr. Clive and Mr. Wyllie, who had no intention to sanction anything which was corrupt. I am sorry also for many of the leading persons connected with them, for I have no doubt that both Mr. Bodenham and Mr. Jay, the unpaid agents, wished very much to prevent such occurrences, and were very much annoyed at them. Still I cannot say that that should affect my decision here.

Then there remains to be considered a matter of much less consequence, and which need not be dwelt upon so much, namely, what Mr. William Russell did, and what he is shown

Hereford.

to have done, which is, that being a town councillor he did upon the day of the election for the town council, when there certainly had been something of a formal contest, give money to such of his friends as had come to the election to support him, which it would appear was a bad practice prevailing in the city. Such a thing, if it were done in a Parliamentary election, would at once be considered bribery, and would avoid the election. I trust that the Legislature will take steps to prevent its being done in future at municipal elections also. Here it comes to be a question of fact; was the money that was paid to men for their wages for coming to the municipal election, intended to produce the effect of inducing those men to vote in a particular way at the Parliamentary election? In a case which I tried at Taunton, there were very analogous payments made for the registration, and the evidence satisfied me that that money was given with the intention to induce the voters to vote in the Parliamentary election. In the present case there was a smaller scale, and there were fewer of them, and the day's wages seem to have been given without reference to politics. I think most of the witnesses who were called were men who actually did vote upon the Conservative side, and moreover seem always to have intended to do so; they were not bought over, nor were they told that they were behaving ill or treacherously, or anything of that sort, in voting on the Conservative side; and, consequently, I come to the conclusion that so far as regards the payment of the money, though a very wrong and improper practice, it could not be considered as purchasing a vote; it was not (putting it in homely language) saying, "If you will vote yellow at the municipal election, I will pay you for it, and then I shall expect you to vote yellow at the Parliamentary election also." I do not think that it amounted to that, and consequently it is not bribery.

Then comes what took place at the "Greyhound Inn." That seems to be much more unconnected with the municipal election. There I think that if that stood alone I should pause and hesitate. I should be afraid almost to act upon it if it stood alone, but my impression is that if it stood alone I should on that ground also vacate the election; I do not say that I would have done so if it had stood alone, because I should have hesitated a good deal; but I think I should, for this reason. It appears that when a Parliamentary meeting was held at the public-house (and all these Parliamentary meetings at public-houses have been followed by treating afterwards, and that is one of the reasons why they should not be held there), Mr. Russell having been at that meeting, came down to where there were people, some who had been at the meeting and some who had not, but people who were all more or less connected with voters, and he did give them a quantity of drink. He states that his reason was that they asked him for it, because he had just been appointed councillor for the ward; but it is impossible not to see that any such thing given at that time, by a leading partisan and supporter of the candidates whose meeting had just taken place, must have had a tendency to influence the votes of those persons. Mr. Price pointed that out in his argument very well, and I think he was quite justified in arguing that it must have had that tendency, and I think it is scarcely possible to believe that Mr. Russell was not aware of that tendency. I therefore think that if that had stood alone, I should have been obliged to come to the conclusion that Russell did intend, as a natural consequence of giving that drink, in that manner to influence the election. However, had it not been for the matter of Mr. Harrison's breakfast, I should have felt very much difficulty about it. It is very possible that if I had found such important consequences as the determination of an election to depend upon it, I might not have avoided the election upon that ground; but at present the result I think is, that owing to these two acts the election is to be declared void.

There is one thing further to remark upon. As a general rule, I have in every case considered that the costs of the election ought to abide the result. As a general rule, that is right, and it is particularly right where the petitioners have been successful in avoiding an election, and have therefore done a public service. But in this particular case there is a reason why I think that I cannot do it. When the Parliamentary Election Committees sat they were a tribunal which met on the particular case for the first time, and nothing could be done till they met. The consequence was that they had no control over what happened before, and then the petitioner came before the Parliamentary Committee with such a case as he pleased; and for the first time, when the counsel for the petitioner got up and spoke, the respondent heard what cases would be brought against him, what were relied upon, what votes were to be impugned, and so on. It was also a consequence that followed from that, that a very vicious practice arose on the part of those connected with Parliamentary elections, that they never got up their case or considered their case. Counsel went before Parliamentary Committees with a loose statement that such and such people were likely to say something, and they were instructed from hour to hour and from minute to minute as they went on. A Parliamentary Election Committee was a tribunal which did not sit constantly, and therefore after the particular occasion had no power to control other cases. Those evils afforded a great reason, as I believe, why Parliamentary Election Committees did not give general satisfaction. I think that they were quite as competent to decide the questions of facts submitted to them as the Judges are; but I do not think that they were so competent to bring the matter to the proper point. Now, in making the rules we took those things into consideration; we had this before us, that it was the very essence of justice and fair play that every man who was accused of anything should have due and sufficient notice of what it was that he was accused of, and of that only, so that his attention should not be distracted to immaterial matters, but that he should really know what it was of which he was accused.

accused. For that reason, and for that purpose, we have established the practice that particulars should be given, stating what it is that the Respondents will be required to meet. Those particulars were not required to be given long before. Three days before the time came, the other side might know what they were to meet, so that they might then be prepared to meet the case, and might not waste time and trouble in hunting up different matters on which the Petitioners did not rely; the object being, as I have already pointed out, partly to secure fair play and partly the saving of waste of costs. And a very important further point is, that 15 working days' notice of trial having been given, and it not being required till the twelfth of those had gone by, that the Petitioners should give those particulars; they should make use of those 12 days in ascertaining and sifting their evidence; that they should really conduct the case as we do in an ordinary trial, with as much as can be done towards fair play and precision.

These being the objects, and the particulars being required for those objects, how have they been complied with here? 184 cases of bribery have been put down, which the Respondents must have had to look into. Of those there are five on which evidence has been given, and of those five the Petitioners have not succeeded in establishing one to my satisfaction. There are five cases that have come to nothing, with 184 charges in the particulars. It is obvious that that could not have been done except for the purpose of baffling the objects of giving the particulars; and it is obvious that it must have given the Respondents a great deal of unnecessary trouble.

Mr. Price.] Will your Lordship allow me to mention that all the municipal bribery cases were included?

Mr. Justice Blackburn.] Then, it is not so large a proportion as I thought it was; though undoubtedly it was stated by Mr. Powell, and I never heard it disputed till this moment, that the proportion was so. It is impossible not to see that the Respondents must have been put to a great deal of useless trouble and useless expense in getting up the defence. It is justice to the Petitioners to say that, although I have not known quite so gross a case as this before, yet generally the particulars have been used very much as if they were intended to give no information at all; and the only way to check that is to say, that where that is done we shall follow the spirit of the Act of Parliament, which says that the costs shall be in the discretion of the judge, who shall direct how they shall be allotted, bearing in view whether or no there has been useless expense and vexation caused; that is the meaning of the Act. That being so, I can only say, that though here the Petitioners have succeeded, I do not think that it would be right to make the Respondents bear their costs. The Respondents having failed will not get their costs. In this particular case, and under the particular circumstances, I direct that each side bear their own costs.

Mr. Price.] All I wish to ask your Lordship is, whether you would make a distinction as to some of the costs. We proved some of the treating.

Mr. Justice Blackburn.] No, I cannot do that. If we attempted to separate the costs it would require very much investigation, and I cannot do it.

KING'S LYNN ELECTION.

JUDGMENT delivered by Mr. Baron Martin, 17th March 1869.

King's Lynn.

Mr. Baron Martin.] THIS is a petition of William Armes and George Holditch, which alleges that the Honourable Robert Bourke, by himself and his agents, was guilty of bribery, treating, intimidation, and corrupt practices at the last election, that he was not duly elected, and that the election was void. To avoid this election I must be satisfied that Mr. Bourke, either by himself or by some person for whom he was responsible, committed an offence within the 2nd, 4th, or 5th sections of the Corrupt Practices Act. It is supposed by some that if anything is done wrong in an election, the judge has some discretionary power to declare the election void, but it is an error. The judge has no such power. The judge is as much bound by law in trying an Election Petition as if he were trying an ordinary case on the criminal or civil side at the assizes; and is bound to ascertain that the act which is complained of is an act which, either by the common law invalidates the election, or one which this Act of Parliament, construed together with two other Acts, declares to have that effect. In this case there has been no general bribery.

King's Lynn.

It is not alleged. There has been nothing of that which has been proved to have taken place at some others of these inquiries; there has been nothing of what may be called general treating. I have already said that I have no reason to suppose that Mr. Jackson stated anything incorrectly, nor do I impute it to any other person. With regard to two of those persons who spoke of drinking at public-houses, they state that it was at meetings of the Loyal and Constitutional Association. I have no doubt that their evidence is true; there is cogent evidence that the meeting at which Mr. Jackson was present was one of the same kind; Mr. Jarvis and Mr. Bourke both stated that they had no meetings of the sort, that they called no such meeting, and gave no drink at all. The truth is that there were meetings of this association, to which Mr. Bourke went for the purpose of stating his views and to obtain their support; and there is nothing in the Act of Parliament, that I am aware of, which renders him responsible for the acts of that association. It is said by Mr. Jackson that he believes Mr. Bourke gave some money, but I think Mr. Jackson is in error. I do not believe he wilfully misstates it, but Mr. Bourke says that he did not give any money, and he must know best whether he did or not. It was only that he saw him move his hand forward, he did not see what the money was. But, for the purpose of rendering the election void by such an act, it must be proved that it was corruptly done. The Act of Parliament is distinct upon it. It is differently worded from the 2nd section, which has regard to bribing, that is, bribing in money, or by a valuable consideration. The act of treating must be done corruptly. I am not prepared upon this evidence, even if it were true that this money was paid by Mr. Bourke and Mr. Thew, to say that Mr. Bourke is responsible for what took place at that meeting held three months or more before the election took place. It is a common act that people do; people will treat their neighbours, and, except I have reason to suppose that there was something at the time wrong in Mr. Bourke's mind, that he meant to act wrong, I am not prepared to say that in giving beer to persons at a meeting so long before the election, indeed before Parliament was prorogued, that he did it corruptly.

This is the eighth Petition which I have had to try, and I have uniformly acted upon this principle, and I will continue to act upon it, because I am satisfied that it is a right principle, that if a man honestly comes forward to contest a place, and is desirous to avoid bribery and treating, or anything that would infringe upon the law, and if he does his very best to avoid it, and he is sought to be unseated by reason of a mere isolated act, the evidence of that act should be cogent and beyond doubt. Mr. Bourke, I think, must have known if anything wrong was going on, but he has sworn, and I believe him, that to his knowledge no illegal practice whatever took place. I adopt what has been said by myself, as well as by the other judges, that if there be brought home to an agent of Mr. Bourke's, a person for whom he is responsible, a corrupt act done within the meaning of this Act of Parliament, he must be unseated; but I would not unseat a man for an act done by an agent which he has forbidden—unless it were clearly proved to be affected by the act of an agent such as we have heard of to-day, an isolated solitary act—I should require to be satisfied beyond doubt that it did take place. I would take care that I made no mistake, and I would not unseat a gentleman except the act of the agent was established with as much certainty as a fact could be established. I believe that to be a just and right principle.

Then, what are the acts alleged here? I may take the case which was mentioned last, with respect to the wine. It seems that a person named Mason had a sick wife, and that he had formerly lived in the service of a Mr. Bowker, and that Mr. Bowker one day went to his house, and probably what the girl says is substantially true; but, in fact, the wine was never sent. According to the evidence of the girl, the two bottles of wine that had been sent had both been sent before. Very likely some conversation of this sort took place, but Mr. Bowker thought better of it, and did not send it. Moreover, the conversation was with the wife and not the voter, and I cannot think that Mr. Bourke can be unseated for this.

Then, again, it is said, truly enough, that Mr. Miller (whose case seemed to me to be the only one that required an answer) has been contradicted by Thomas Smith, Robert Taylor, and George Lubbock. With regard to Thomas Smith, he was as unsatisfactory a witness as ever I heard examined. I do not want to impute to the man that he came here to perjure himself. He is a man that is speaking of conversations; and of all things people give most diverse accounts of conversations. The man was examined this morning, and I should say that upon Smith's evidence alone I should be sorry to unseat any Member.

Then, again, with respect to Taylor and Lubbock, and their story with respect to Mr. Miller, that he would provide for some boys, that was a mere conversation, a statement of what the man would do, Mr. Miller has positively denied it. Mr. Miller, I understand, is a brewer in this town, and a man of respectability. And when a man of this sort comes forward and swears most positively that that which is stated to have occurred did not occur, as I have already stated, I will act upon the principle of being satisfied, beyond doubt, of the corrupt act.

I believe that the only other matter upon which it is necessary to make an observation, is the presents of hares. There is no pretence for saying that Mr. Bagge had entered into any engagement or promise to give those hares; but after the election was over he sent hares to a number of people who voted for Mr. Bourke. Where was the agency of
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Mr. Bagge with respect to that? What is there to show that there was an agency in him after the election? Assuming him to have been a canvasser for Mr. Bourke, and to be his agent during the election, his agency ceased when the election was over. I have stated that as my opinion before; but if it were necessary in this case, I would reserve it for the Court of Common Pleas, if the facts raised it. But the facts do not raise it. I agree with my brother Parry that it comes more within the 2nd section than within the 4th. The treating within the 4th section seems to me to be more directed to the actual giving of refreshments or entertainment. It seems to me that he is correct in saying that it is more like a "valuable consideration." But assuming that those hares were a valuable consideration, to make the act affect the election, it must be to influence the vote. What reason is there for supposing that it was done to influence the vote, or done *malo animo*, for a gentleman, the owner of property in the neighbourhood, to send a hare to a person to whom he felt grateful for voting for Mr. Bourke? I do think that to arrive at such a conclusion would be beyond all reason, and that not a jury in England would come to the conclusion. It is a thing constantly done as an act of kindness. You cannot call it exactly generosity, but it is a thing which gentlemen do to people to whom they conceive that they are under an obligation; and if a man considers himself under an obligation to a voter who has voted at an election for the candidate for whom he was interested, there is, I think, nothing illegal in it.

I am of opinion that the objections to Mr. Bourke's election fail, and it will be my duty to report to the Speaker that he was duly elected.

I have also to report on two other matters. No candidate here seems to have been guilty of any corrupt act, and of course I shall so report. There seems to be no general corruption in the borough, at least I had no evidence of it. If it exists, it has not been brought before me, and I shall so report.

It seems to me that in this matter the costs also must follow the event. There is a misapprehension with respect to costs. It is supposed that imposing the payment of costs is a sort of punishment. It is nothing of the kind. There is no punishment in it, nor is it intended to be a punishment. The law does not mean it as a punishment. But a petition has been brought against Mr. Bourke, which has failed. Mr. Bourke has been put to expense by reason of it, and it is but reasonable that he should be indemnified against that expense. It is merely an indemnification of the expense that a man has been put to by reason of an unsuccessful suit, and there is nothing in this case to except it from the ordinary rule.

LICHFIELD ELECTION.

JUDGMENT delivered by Mr. Justice *Willes*, 30 January 1869.

Lichfield.

Mr. Justice *Willes*.] THIS is a Petition praying that the election of the Member for this city, held in November last, should be declared void upon several grounds. The grounds relied upon before this court have been bribery, treating, and undue influence; and in disposing of the questions raised by the Petition, it is necessary that I should deal with each of those allegations in its order.

As to undue influence, which I shall take first, no evidence whatever has been brought before the court. I speak of undue influence in its proper sense, of using any violence, or of threatening any damage, or of resorting to any fraudulent contrivance to restrain the liberty of a voter, so as either to compel or frighten him into voting or abstaining from voting otherwise than he freely wills. That is the proper definition of undue influence dealt with, in terms which I need not more specifically refer to, in the 5th section of the Corrupt Practices Prevention Act, the 17th and 18th of the Queen, c. 102. I say no evidence has been produced, not overlooking the latent possible force of the men from Walsall, and the alleged men from Burton, which however did not develop itself into either violence to any of the electors, or intimidation towards any persons concerned in the election. I must conclude, therefore, that of undue influence, properly so called, no evidence has been produced; and judging of the average of the Lichfield people whom I have seen in the witness-box and elsewhere in the course of this trial, I should think that they are about as little likely to use undue influence in the sense in which I have been dealing with it, or to submit to it from others, as any people in this kingdom. There is no evidence of it whatsoever.

The next head of charge with which I shall deal is that of treating; and I may observe

Lichfield.

with respect to treating, that that has, so far as my reading of the law is concerned, always stood upon a different footing from the more odious offence of bribery. Of course a man may be bribed by the promise of meat and drink; but the ingratiating of a man with others by giving them something to eat or something to drink, to be consumed upon the spot, is not looked upon in the same odious light as bribing by money or with a promise of future reward; and it may be doubted, although that is now interesting only as matter of history, whether treating in the sense in which I have been speaking of it, ingratiating by mere hospitality, even to the extent of profusion, was struck at by the common law. It is, however, certain that it is now forbidden, under penalties, by the Act of the Queen to which I have referred, wherever it is resorted to for the purpose of pampering people's appetites, and thereby inducing them to vote, or to abstain from voting, otherwise than they would have done without their palates being tickled by eating or drinking supplied by a candidate. And there can equally be no doubt that by the 36th section of that statute, any candidate who, either by himself or by his agents, resorts to treating as a means whereby to be elected a Member of Parliament, not only spends his money at the time, but does so with the certainty that if he is detected himself in having authorised or resorted to treating, or if any one of his agents, even without his knowledge or authority, should have treated electors with a view to obtain their votes, or to induce them to abstain from voting, a seat gained under such circumstances, even though the majority be not composed of persons who were so treated, is forfeited; and the election will, upon substantial proof of treating, in a proceeding of this description, be set aside.

Was there proof of treating here? In order to prove treating it must be shown, not merely that eating and drinking went on during the election, and went on under the eyes of the candidate (eating and drinking must always go on), but it must be shown that the eating and drinking was supplied at the expense or upon the credit of the candidate, either by his authority or by the authority of one or more of his agents in order to influence voters; and the question is whether that has been proved here. An effort to prove it has been made by showing that at a number of public-houses, which it is unnecessary to enumerate by name, and which may be described generally as the "Turk's Head" and others, the sitting Member, Colonel Dyott, attended, and addressed the electors; and that upon the evenings when he so addressed the electors drinking went on, a hat was sent round, collections were made, and persons drank, some of whom did not put anything into the hat. But I must observe, in the first place, with respect to that evidence, that it is not proved that there was any such drinking by collection whilst Colonel Dyott or any of his agents were there, in a sense to fix him with having inferentially contributed to the drinking that was going on. I must secondly observe that, with respect to two of the witnesses who were called, and who spoke principally to the treating of persons who did not pay, who may be taken, probably, as specimens of the class of witnesses to that head of the case (I speak of a person named Smith, and another person named Spanswick), they were no voters, and they were strangers to Lichfield, showing at least that no favour was shown to voters in the matter. I must further observe that the landlords of these public-houses were called, and one after another denied that drink was supplied which was not paid for at the time, and denied that they received any money for that drink from Colonel Dyott or any of his committee or agents for whose acts he is answerable; and with regard to the instance in which the four sovereigns are said to have been paid by Coxon, who for this purpose would have been the agent of Colonel Dyott if he had paid the money, and whose act, if he did so, would unquestionably have made the election void, the fact of his having made that contribution was spoken to by the witness Smith only. That was contradicted not only by the landlord of the place, but also by an independent witness who was called on the part of the Petitioner, named Heber Webb. They both proved all that was found in the hat in the shape of gold, upon the evening in question, to be two half-sovereigns; and Coxon being himself called, denied the charge emphatically, and in a manner which makes me entirely believe him (notwithstanding it was more emphatic probably than the occasion required), and therefore that specific contribution is entirely negatived. With respect to the contribution alleged to have been made by Mr. Graham, the clergyman who presided on one occasion, that rested upon inference of a very slight character, and that gentleman having been called himself, denied having made any such contribution; and Colonel Dyott and the gentlemen whose names were mentioned as being his agents having been successively called, denied that they had authorised any treating whatsoever at any of those public-houses, or had in any way contributed to the drinking which was going on. Moreover—and this is a fact of importance, because it gives the details of the reckoning itself, for which Colonel Dyott and his agents were content to be answerable to the landlords of those public-houses—the bills which they sent in, being produced, turned out to be bills for the use of their houses for the meetings which took place, at which the electors were addressed; none of them has any bill for drink, and each of them in turn, upon being asked the question, denied that he had any claim for drink unpaid for. Upon the whole, therefore, it should seem that the charge of treating is not made out—that there was no drink ordered by Colonel Dyott or by any of his agents for whom he is answerable, at his expense, or upon his credit, with a view to induce voters, by such drinking, to vote for him, or not vote. There was one case referred to, of the "Blue Bell," at which it was said there was not only drinking, but eating; and certainly, if the proof had at all come up to the opening which the learned counsel for the Petitioner, Mr. Powell, was instructed to make, and which I have no doubt

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his clients believed to be true at the time, this election could not stand. I speak of that alleged profuse hospitality, persons coming up to the election and being entertained, and overflowing into private houses, where rooms were procured for them because there was none to be had in the inn, and having tables set for them, I think it was said, in a gateway, because there was no room in the house itself. All this information, which must have been received from persons who gave exaggerated accounts to the agents for the Petitioner, which they are unable to sustain by their evidence in the witness-box, must have been the work of imagination. The persons who suggested that, I presume, talked over the matter with one another until at length they got themselves to believe that it was true, and then they communicated it to the persons who were concerned in getting up the evidence for this Petition. But when the matter came to be tested in open court, the persons who asserted that, and upon whose instructions it was brought before the court by the learned counsel, in the discharge of his duty, have not come forward, and it must be presumed because they were unable to substantiate the assertions which they made, and to those assertions, therefore, no credit can be given. With respect to another scene at the "Blue Bell," that which was actually spoken to, of certain voters having passed the night there, before the election, and having had drink, and having had something to eat in the morning, the drink stands upon the same footing as the drink at the other public-houses. With respect to the eating in the morning, that was stated by the landlord and landlady to have been supplied by them from their own provisions, without authority from the sitting Member, or any agent of his, and without any intention to charge for it at all. At first I thought that those representing the Petitioner were about to show that which one has learned has taken place at elections, that the landlords were running up a bill which they trusted to somebody, at some future time, paying them. And it is perfectly well known, that one of the shoals in the way of candidates at other elections has been that landlords, taking advantage of the occasion, have thought proper themselves, without authority, to supply meat and drink upon the chance that if the bill was afterwards sent in to the candidate who succeeded, he either, in the satisfaction of success, or because he did not desire to be failing in a payment which might lose him the good-will of the landlord afterwards, might possibly pay. Such payments have been made, and have endangered seats elsewhere. No such charge, however, can be laid justly to the door of the landlord of the "Blue Bell," or, so far as I can see, to that of any landlords who have been called as witnesses before the court. I must say I acquit everybody in the borough of any corrupt treating upon this occasion.

I lastly come to the question of bribery. With respect to bribery the law is perfectly clear, and one can only wonder that any person doubted, either through fear of what people call the technicality of lawyers (really the just limit to the jurisdiction of judges), or through hope that by reason of the difficulties which would be met with in proof before this new tribunal, persons, if any such there be, who have fattened upon the abuses that have existed hitherto at elections, might continue to do so with even greater impunity than before—I say one is astonished that, either through such hopes or through such fears, it could have been doubted that bribery would be pursued, under the new jurisdiction, upon the same principles as it was put down, or attempted to be put down, in the jurisdiction of Election Committees. Bribery at the common law, equally as by Act of Parliament, avoided an election where it took place. If there were general bribery, no matter from what fund, no matter by what person, though the sitting Member or his agents had nothing to do with it, that would defeat the election, upon the ground that it was not a proceeding pure and free, as an election ought to be, but that it was vitiated and corrupted by an influence which, coming from no matter what quarter, had defeated the proceeding, and shown it to be abortive. There is no proof of any such general bribery here. On the contrary, the proof shows an entire absence of any general corruption of that sort in this city of Lichfield.

With respect to the bribery of particular individuals, it is not enough to show that a stranger to the Member and to his agents bribed one or two persons. If that were permitted to avoid an election, any mischievous or hostile person could, by giving one bribe, defeat the whole proceeding, and gain the advantage of his own wicked act. But if you show that the Member bribed, of course it follows as a matter of justice he cannot hold his seat. If you show that the agent of the Member bribed, though without the authority, and even contrary to the express orders of the Member, the seat is forfeited, not by way of punishment to the Member, but in order to avoid the danger that would exist if persons who are subordinate to the Member in the course of the election are led away by their desire to benefit their superior, into illegal acts, the precise extent of which it is difficult to prove, a single one of which therefore, when proved, it is the policy of the law to hold, should have the effect of avoiding the proceeding. That a Member was so answerable for his agent at the common law—agent in the sense of conducting the election, not merely being authorised to bribe—is perfectly clear. It was so laid down as clear by Lord Tenterden, before the passing of the 17 & 18 Vict. c. 102, s. 36, which I have already referred to. That section, where it speaks of agents, must be construed by the light of the common law, and must be read as including agents authorised in the conduct of the election or to canvass, and not merely agents authorised to bribe. If there could be any doubt that such was the law, that doubt is completely set at rest by the 43rd and following sections of "The Parliamentary Elections Act, 1868," by the former of which, the 43rd, bribery committed with

Lichfield.

the knowledge and consent of the Member, subjects him for seven years to the disability of being returned to Parliament, of voting at any election, or of holding any judicial office, and would subject the sitting Member in this case, if it were proved against him, to be struck out of the commission of the peace, and subject him to discredit of a character as serious as it would be just. That 43rd section leaves the case of bribery by agents to be dealt with by those which follow, and the result is clear (and I have only been thus elaborate in stating the result of the law upon the subject, because of doubts that have been thrown out of late as to whether such was the law), that a single act of bribery proved either against the Member, or against an agent engaged in the conduct of the election, will have the effect of defeating the election. Has such an act been proved in the present case against the candidate, or against any one of his agents?

With respect to the candidate himself, it is said that he was guilty of bribery in one or other of four cases. The first is the case of Barlow, to whom it is said that he promised a place in St. John's Hospital. Is it made out that Colonel Dyott promised Barlow a place in St. John's Hospital upon the condition of voting for him? That depends first of all upon the evidence of Barlow; and next upon the evidence of Colonel Dyott himself, and his agent, Mr. Greene, who accompanied him. One has had the advantage of hearing Barlow examined, and also of hearing the account given by Colonel Dyott and Mr. Greene, and without going through the details of the evidence which has been given in court, and of which everybody who has listened to it has had the opportunity of judging for himself, I may shortly sum it up in this way, that Barlow, who was an old man in years, and failing, was very desirous of getting into St. John's Hospital. Mr. Greene, Mr. Dyott's agent, was the solicitor to the hospital; and Barlow hoped, no doubt, to get into the hospital, and desired it very much; and also, there can be no doubt, he knew that Mr. Greene had some interest at the hospital. This appears to be coupled with the fact, that in the conversation in which Barlow was canvassed, he did express a desire to be taken into the hospital, and that Mr. Greene gave an answer which rather put him off than promised him. I believe that those are the only conclusions of fact that can properly be drawn from the evidence; and it would be a stretch of inference quite unwarranted by the evidence as given to construe what passed, and which really amounted to nothing more than that Barlow knew well beforehand that Mr. Greene had an interest at the hospital, and that Mr. Greene knew well beforehand that Barlow would like to be taken into the hospital—to construe expressions which amounted to nothing more than putting in words what each of them knew before, into a promise made on that occasion, that he should be taken into the hospital if he voted, as he afterwards did, for Colonel Dyott. It would be a perversion, and a distortion of the facts, to hold that there was a corrupt promise made at the time upon condition of his voting.

The law cannot strike, it is in vain to attempt it, at the existence of influence. The law can no more take away from a man who has property, and a man who has the means of giving employment, the insensible but powerful influence which he has over those whom, if he has a heart, he can benefit by the proper use of his wealth, and by the proper distribution of his employment, than the law can take away from him his honesty, or his good feeling, or his courage, or his good looks, or whatever other qualities a man possesses, which give him an influence over his fellows. It is the abuse of influence with which alone the law can deal. Influence cannot be said to be abused because it exists, and because it is known to exist, and because it operates; it is only abused in a case of this kind, where an inducement is held out by a promise in the terms of the 2nd section of the Act of the Queen—a promise to induce the voter to vote or not vote at the election; a promise given upon the condition of voting would be an abuse of the influence, and would be a bribe. And it is not merely technical, it is good sense to say that you must have as good evidence of that promise illegally made as you would require if the promise were a legal one, to sustain an action by Barlow against Colonel Dyott, upon Barlow voting for him, for not procuring, or trying to procure, him a place in the hospital; and no jury would for a moment think of drawing the conclusion that such a promise was made in the present case.

With respect to Devereux, which is the next case, it is said in effect that Colonel Dyott promised him the place of a bailiff. I forbear repeating the general remarks I have made in connection with Barlow's case, which apply here. I should say that Devereux's case in proof was a weaker case than Barlow's, because assuming the facts even as opened to be true, whatever inducement Colonel Dyott may in the course of the conversation be alleged to have held out to Devereux, if you construe it in the most rigid way, and not merely as one of those conversations which I presume candidates are obliged to hold with talkative voters about the state of their family, and about what they wish and what they want, and how they are off, and so on (one of the mischiefs of canvassing is, I presume, that a man is obliged to act sometimes as if he had more interest than he really has in the private affairs of voters); if you construe it in the more rigid sense which I am not inclined to do, whatever was in Colonel Dyott's mind to do on the occasion, was withheld according to the suggestion on the part of the Petitioner by one of his agents interfering and saying, "You are going too far: stay," upon which it is said he did stay, and he certainly stayed with effect, because, if I mistake not, Devereux voted for Major Anson. It is quite obvious that I may pass that case without any further remark.

Then comes the case of the Sergeant-Major Rouse, and with respect to Rouse, you must take the evidence of Rouse and the evidence of Colonel Dyott together. This case has

two parts; first, what took place before the election, and, secondly, what took place after. It is in respect of what took place before the election that this case must be dealt with; and what took place after can only be looked to so far as it reflects light upon what took place before. Was there any promise to Rouse to obtain him a place in the militia or the police on condition of voting, as he did, for Colonel Dyott? The evidence upon that, both the evidence of Rouse and the evidence of Colonel Dyott, is in the negative that no such promise was made. Is any light reflected upon the transaction by what afterwards took place, so as to disclose that such promise must have been made notwithstanding the denial of both parties? What took place was this, that on or about the 21st of December, a month after the election, Colonel Dyott sent a testimonial on behalf of Rouse, for the purpose of getting him a place in the Northamptonshire police. I pass that by with this remark, I detest the system of testimonial, I only look upon testimonials with a feeling (I use a mild word) of disregard. I have sometimes been astonished how persons of character and honour have one after another, like sheep following the bell-wether, put their names to Round Robins and testimonials in terms in which, if they were writing a private letter, they would not have expressed themselves. A good deal has been said about that testimonial; I shall not enter into its merits, I will simply say it does not satisfy me, looking at the evidence of Rouse himself, confirmed by the evidence of Colonel Dyott, that any such promise was made, as would amount to a bribe before the election.

Then comes the evidence of the barber. I hardly know how to deal with that case. I think what it comes to is, that so far as the barber is concerned he is an eccentric chap, and I should have thought a very troublesome one; and I should certainly have felt some discomfort myself if he had called at my house of a morning and wanted to see me, or to shave me, and I should have had some trouble in knowing how to get rid of him, because he is apparently excitable and talkative, as well as eccentric; he is just the sort of man you would like to be rid of, and would not like to be rid of in a violent way; your impulse would be to say, "Now do, for any sake, get about your business, and do not trouble me;" but you would not like to take him by the shoulder, and you would not like to say anything offensive to him, especially as he is a person who appears to have a very high opinion of himself. This person, suffering under a very bad carbuncle, was visited by Colonel Dyott; the colonel appears to have taken compassion upon him, and to have given him a bottle of port wine, which some people suppose to be the best salve for a carbuncle. He sent it in such a way that, if the barber is to be believed, the barber did not know from whom it came. If it were sent openly it would be said, here is a glaring bribe; being sent secretly, it is said, here is a consciousness of wrong. I do not know how a man who takes compassion upon another, and sends something good for him, without any particular bad intention in doing so, is to escape a remark upon the one side or upon the other. It does not appear to me to have been in the least meant as a bribe, especially coming to a person whose promise had before been given, and who, I think, was not at all affected by it. As for the cutting the butler's hair, I think that hardly weighs more than the material that was cut off at the time. I am bound, therefore, to say that this last case really made no impression upon my mind, and I regret if I appear to have spoken of it in a light way; no case ought to be considered in a light way in which there is a charge of the odious offence of bribery, or in which there is the honour of a gentleman at stake. I am bound to acquit Colonel Dyott personally, and I do so in the amplest manner, from any charge of corruption.

Now, I come to deal with the case of the agents; and in dealing with the case of the agents I shall take first that of Hall. Mr. John Valentine Hall is said to have bribed the Deakins, father and son, or one of them, and especially he is said to have bribed the son, with, amongst other things, a sovereign; and I must shortly sum up that case by saying that the father and son successively announced in the box that which, in whatever way it is understood, must redound to their discredit as long as they live. If they were speaking falsely, they have the discredit of having done so upon their oaths in a court of justice. If they were speaking truly, each of those persons was prepared to sell himself to the highest bidder at the election; he was prepared to sell the franchise which a man ought to exercise freely and honestly, for the good of himself and his fellow-subjects, in favour of the best man, for the most money that was to be had for it. We have their testimony against that of Mr. Hall, who appeared to me to be about as sturdy, straightforward, and honest-looking a person as I have met for many a long day; and I cannot for a moment doubt that Mr. Hall's evidence is true, and that the Deakins' evidence, as I suspected at the time, was untrue, and not to be acted upon. Mr. Hall explained that the sovereign was for the purchase of a pair of ferrets, which ferrets he has in his possession. Deakin, the son, would make out that it was given as a bribe, and that there was afterwards a pretence by Mr. Hall that it was given for the ferrets; that the ferrets were lent, and not delivered in pursuance of his duty to purchase them for Mr. Hall with the sovereign. That case is entirely answered.

Then there is the case of Johnson, with reference to Abraham Clarke, and the 2s. and the jacket. With respect to that, both Clarke and Johnson say that 2s. was given. I think it was opened that a suit of clothes was given. This shows how these things are talked over, and how persons get exaggerated notions of cases. It turns out that Johnson, finding that Clarke had been set upon by some of his political opponents, though not, it appears, in a way to do him very much harm, and that a complaint was made that the

Lichfield.

house was made dirty, and that Clarke's jacket was torn, gave his sister 2s. (she complaining very much) to clean up the house, and Clarke said, to mend the jacket. I must remember that while the judge sitting here ought to be strong to repress and to punish illegality, he must not be suspicious, and, above all, he must not be violent, lest he should lose the respect without which his decisions cannot be enforced. I think it would be suspicious and violent to act upon those cases, to act upon either the promise of an old jacket to a man like Clarke, whose jacket had been torn in the scene of violence, or the giving of the 2s. to his sister to clean up the house. I think calling those bribes would be calling things by their wrong names.

Williamson is the next agent, and he is said to have bribed Sandlands, the blacksmith. It appears that Sandlands was employed by Mr. Williamson to put on some tires; and it appears that when that particular work is being done a certain allowance of beer is given. That is not an uncommon or an incredible thing; and I do not suppose anybody doubts the evidence either of Sandlands or Mr. Williamson, that such a custom may or does exist. Those who employ people at disagreeable work know very well that they have to pay something extra, and make some allowance for the particularly disagreeable work, whether it be by land or water, and I entirely believe that there was an allowance to be made to Sandlands in respect of the tires; but instead of merely drinking the 2s. worth of beer, which he ought to have done, he appears to have run up a score of some 2l. If he did that by the authority of Williamson there would, indeed, be a case of suspicion, if not of proof, against one of the persons who is alleged to have been an agent of Colonel Dyott; but if you take Sandlands' evidence, that Mr. Williamson told him to have a pint or two for himself or his friends, when he liked (I think he said first a pint and then enlarged it afterwards to a pint or two), if I take that evidence and look at it by itself, and am called upon to come to a conclusion upon it, whether Mr. Williamson intended that the pint was to be repeated as often as Sandlands liked, and to whatever extent the money for it might go, I must decline, as a man of common sense, to come to any such conclusion; and when you have Mr. Williamson denying that that was so, and stating that his intention was merely to give the allowance which was usually given upon such an occasion, the inference of any bribery of Sandlands, either actual or intended, appears to me to be sufficiently removed.

Now, I come to the case of Mr. Hinckley. Mr. Hinckley is said to have bribed a voter named Rogers with 1l. This case has required, and has received, an anxious consideration at my hands. There are two questions; first of all, whether Rogers did, in fact, receive a sovereign from Ashley or his wife: whether Rogers' wife did, in fact, receive a sovereign from Ashley and his wife on account of Rogers voting at the election for Colonel Dyott. If that fact be made out, there would still have to be established that Mr. Hinckley was cognizant of the fact; because the single act of Ashley or his wife in giving a bribe to Rogers would, upon the principles I have already explained, not defeat the election of Colonel Dyott. That single act would strike the vote off the poll, and upon a scrutiny would entitle Major Anson, if it constituted one of a majority, to be rid of it, as being a vote corruptly obtained. But inasmuch as Ashley was not an agent of Colonel Dyott, and it was not part of a scheme of general bribery, Colonel Dyott's election would not be avoided, unless his majority consisted of that or of such votes. With respect to the first question, it must be admitted to be one involved in considerable difficulty. A variety of witnesses were called, beginning with Mrs. Ashley. I especially refer to the evidence of Mrs. Barker, from which it would seem that Rogers' wife showed a sovereign when she came back from Ashley's, and that she did not allow her husband to vote until she had that sovereign in her possession; and there is evidence, not of a satisfactory kind, as to how that sovereign got into the possession of Rogers or his wife, otherwise than by its having been given to them by somebody. There is the assertion of a sovereign having been obtained upon the Friday previous to the election; and there is the fact that no sovereign was obtained by Rogers on account of his wages since the Friday before that Friday. There is also the evidence of Ashley, Barker, and Woodhead; and I particularly refer to the evidence of those witnesses as to the sovereign having been mentioned on that morning as a consideration for Rogers' vote; as to its having been shown, and as to its having been boasted of. On the other hand, there is the denial of both Rogers and his wife that that sovereign was given; and there is the evidence of Ashley, the landlord of the "Britannia," who is stated to have given it through his wife; and the evidence of the wife herself, contradicting or denying that a sovereign was given, or that they knew anything of a sovereign having been given to Mrs. Rogers on that morning; and there is, moreover, the improbability, and it is a strong improbability, if Ashley resorted, as it is stated, to the contrivance of sending his wife, in his own place, when one would think that they might have gone into a corner of the room for the purpose of doing it, of sending his wife to the ashpit in the garden, there to give the sovereign to Mrs. Rogers, a circumstance which, if it were true, must have impressed upon Mrs. Rogers the importance of concealing the fact that she had a sovereign; there is the exceeding improbability of Mrs. Rogers going through the street, accompanied by Ashley, who followed shortly behind, proclaiming, as it were, by sound of trumpet, "I have been bribed; I have had a sovereign, and the person who bribed me is following me." That is an inconsistency in the conduct of two of the chief characters concerned, which must be taken into account in determining whether that sovereign was, in fact, given or not by Ashley. I leave the first question, and I come to deal with the second. If it be made out that the sovereign was given to Mrs. Rogers, is it further made out (because that is necessary in order to establish

establish the Petition), that Mr. Hinckley, the agent of Colonel Dyott, was cognizant of the sovereign being given. With respect to that, it appears to me that the question must be determined upon the weight to be attributed to the evidence of Mrs. Ashley upon the one hand, and of Mr. Hinckley upon the other. If Mrs. Ashley is to be believed, Mr. Hinckley not only was cognizant of the fact, but Mr. Hinckley proclaimed the fact in the open day, and under circumstances in which he was likely to be, and was, according to her, overheard, told Rogers, upon Rogers saying he would not vote till he had the sovereign, that he should have the sovereign if he did vote. It is impossible to avoid that conclusion that either Mrs. Ashley, upon the one hand, is inventing, or that Mr. Hinckley, upon the other, is guilty of wilful perjury. I cannot adopt the theory that a person in possession of his senses could have his memory so shaken by the excitement of an election morning as to forget the fact that he had promised a sovereign to Rogers (for that is the theory) in consideration of his voting, and that he repeated and confirmed that promise in order to bring Rogers up to poll, and was a party to a transaction, the result of which was, that Rogers, through his wife, received the sovereign for voting. I must come to the conclusion, if I come to a conclusion unfavourable to Mr. Hinckley's testimony, that he was guilty of perjury. I am satisfied, whatever judgment ought to be formed upon the first branch of the case, that no such judgment ought to be arrived at in disfavour of Mr. Hinckley upon the second. I am satisfied that he is acquitted of this charge, the magnitude of which, in any point of view, could hardly be exaggerated; the magnitude of which would not have deterred me, I hope, if I had been satisfied in my conscience that Mr. Hinckley was guilty of that which is imputed to him, from declaring my conviction of the fact; but the magnitude of which has made it necessary that I should seriously consider whether the evidence amounted to conviction; and I am so far from being satisfied that it amounts to conviction, that I am convinced of the contrary.

It remains to deal with what has struck me, I own all through, as the most difficult part of this case; and that is, that part of it affecting Mr. Symonds, who was also one of the agents of Colonel Dyott. I do not say the most difficult point of this case in respect of the complication of the evidence, but the most difficult point of the case, because it appears to me that what Mr. Symonds did in one particular did go closer to the mind than anything that has come under my notice during the course of the proceedings as having occurred at the election. I deal first with the case of Baxter. With respect to Baxter's case, the facts are few. Baxter had been in the employment of Mr. Symonds. He had left that employment in the year 1867, under circumstances of which, partly because I do not wish to be the means unnecessarily or irrelevantly of reviving any unkind feelings that may have existed either in the mind of Mr. Symonds or of Baxter, but principally because it is not necessary, in the discharge of my duty, to do more, I abstain from saying more than that they were circumstances which made a very painful impression upon my mind. I wish that people could learn in politics, as they are obliged to do in religious matters, the duty of agreeing to differ when reasonable means of persuasion fail. I wish that they would learn to live and let live. I wish that it should be considered that persons when they are employed are employed to render a fair day's work for a fair day's wages, and that they do not sell their opinions but only their handiwork. However, I pass that by. The circumstances resulted, whatever they were, in there being some anger between the master and the man, and Baxter left Mr. Symonds's employ; Baxter unquestionably was anxious to get back into his employment, and there can be no doubt that that influence which I may class with those insensible influences which cannot be helped, which no law can control, upon which I have already observed, did exist at the time that Baxter voted at the election. Was there, in addition to that influence, a bribe in the sense of a promise that if he voted for Colonel Dyott he should be taken back into Mr. Symonds's employment? That he was taken back into Mr. Symonds's employment very soon after the election is certain, and we may even arrive at the conclusion without prejudicing the decision of the question that Mr. Symonds would not, or probably might not have taken Baxter back unless he had so voted. Still the question remains whether the promise was made to Baxter upon condition of his so voting. That promise was endeavoured to be proved by the evidence of Atterton. There can be no doubt that Atterton did see Baxter shortly before the election, and that he did suggest to Baxter how desirable it would be that he should get back into Mr. Symonds's employ; and how probable it was that Mr. Symonds, who appears to have thought and so far as one can judge of the man's appearance in the box, justly thought he was a good man, and desired to have him back, how probable it was that Mr. Symonds would take him back if he asked him. Baxter and Atterton deny that any promise was made, but if Atterton had authority from Mr. Symonds to make a suggestion in that pointed manner so soon before the election, nobody could find fault with a jury or with a judge, who came to the conclusion that there was a promise implied if not expressed. Did Atterton act by the authority of Mr. Symonds? That remains to be proved. It was left unproved upon the part of the Petitioner. It was left to inference, amounting to suspicion only, and upon such inference and suspicion I must decline to act for the purpose of defeating an election. Atterton and Symonds being called, denied that there was such an authority upon Atterton's part, and in the absence of that authority, the conduct of Atterton (blameable or not blameable, it is unnecessary to pronounce upon that now) is not traced home to an agent of Colonel Dyott by such evidence as to affect the election of that gentleman.

Then there is the other act of Mr. Symonds with respect to White, and upon that only does it remain to say anything. This case obviously turns upon a question of law; it does

Lichfield.

not turn so much upon a question of fact, though there is one, namely, whether the evidence is sufficient to satisfy my mind that the 9s. 6d. came from an agent of Colonel Dyott, and that it was sent with the intention of influencing the mind of the voter White. There is another question, namely, whether the letters which are stated to have passed between Mr. Symonds and White did amount, as did the letters in Sir Frederick Slade's case, to a conditional promise to pay the expenses in the event of White voting at the election for Colonel Dyott. In dealing with this case, it is impossible to exclude the fact (what the precise force of it ought to be may be a question of argument), that White did not vote for Colonel Dyott. As a matter of result, if the case is to be judged of by the result, White was not influenced. The letters which passed between Mr. Symonds and White did not induce him to vote for Colonel Dyott. The 9s. 6d. did not induce him to vote for Colonel Dyott; he voted for Major Anson. That, however, would not prevent a bribe from being a bribe, if such a bribe is established in evidence. A man who votes for Major Anson having received money for promising to vote for Colonel Dyott is guilty of bribery equally as if he voted according to his promise, and even if at the time he promised he had no intention of fulfilling it. A man must not palter with his conscience. If he takes a bribe to act upon it, he is unquestionably guilty, and his vote goes for nothing; and if he is convicted of it, he is justly disabled, under the 45th section of the Parliamentary Elections Act 1868, for seven years. Was there a bribe in this case? The law upon the subject of the payment of expenses to electors is to be found in the case so often referred to, that of *Cooper v. Slade* (6 House of Lords Cases, 746); and if the letter sent by Mr. Symonds did amount to a promise that the expenses would be paid if White came and voted for Colonel Dyott, the bribe was complete at the time; and it was not the less complete because the voter was one who never ought to have voted at the election at all, because he had ceased to be resident, and had by the Act the 6th of Victoria, chap. 18, sect. 79, ceased to have any right to vote at the election. Upon this question, whether the second letter written by Mr. Symonds did amount to a conditional promise, there was not much argument, and upon consideration I think properly. In the absence of the letter and in the conflict of evidence between White and Ball on the one hand, and Mr. Symonds upon the other, especially considering that Mr. Symonds had had the advice of Mr. Greene, who was perfectly aware of the law upon this subject, I think it would be wrong to come to the conclusion that the letters did amount to a conditional promise, and I must set that part of the question aside. There remains, however, to consider the effect of the payment of 9s. 6d., and whilst upon this point I must observe, and it is right I should do so for the guidance of those who have to deal with like cases in future (I do not mean upon the bench, but in conducting elections), that Sir Frederick Slade's case having been decided on the 17th April 1858, in that same year the matter was considered by the Legislature, and an Act was passed which allowed the candidate to provide conveyances for the voters to the poll, but which in express terms says "It shall not be lawful to pay any money or give any valuable consideration to a voter for or in respect of his travelling expenses;" and for an obvious reason, because of the extreme danger of over-payments being made under the guise of expenses, and the side-door to abuse, that the allowance of such a practice, even to that extent, would open.

Then the remaining enactment upon the subject is to be found in the Act of last year, the new Reform Act, 30 & 31 Vict. c. 102, s. 36, by which leaving the question of giving a lift to the poll to a person in the borough untouched, it is made unlawful to pay either to the voter or to any person from whom conveyances are hired, any money on account of conveyances to the poll; and the exceptions are only in cases of boroughs of large extent, like counties, where it might be unreasonable to expect that the voter would pay the sum to come up and vote himself; in boroughs the non-residents are either so few, or being disentitled by the section I have already referred to, are not regarded by the Legislature; therefore, if that sum of 9s. 6d. was sent by an agent of Colonel Dyott, with the intention of inducing White to come up and vote for that gentleman, it was a bribe within the 17 & 18 Vict., and would have the effect of avoiding the election. The only remaining question is, whether it is proved in point of fact that it did come from the agent of Colonel Dyott. Upon that point the evidence consists upon the one hand of inference from the fact of a correspondence having taken place between Mr. Symonds, who was the agent, and White; and from the fact of the second letter of Mr. Symonds, which is lost, coming simultaneously, or nearly so, with a letter anonymous, but containing a slip, "vote for Dyott," and the 9s. 6d. The inference to be drawn from that, in the absence of evidence to rebut it, would be obviously that it must have come from some person in the same boat with Mr. Symonds, and so, probably, therefore, from an agent of Colonel Dyott, and that it ought to be concluded that it came from such a source. That inference however is met on the part of the respondent with a positive denial by Mr. Symonds, and a circumstantial one, accompanied by the explanation that he knew it was illegal to send the expenses, and therefore abstained from doing so; and it is also met by a denial on the part of Colonel Dyott, satisfactory, so far as his knowledge is concerned; and on the part of Mr. Greene, more or less satisfactory, considering that I must come to the conclusion that he hardly liked to make too minute inquiries into the matter, but so far as his knowledge is concerned, and that a knowledge derived from having the management of the election on the part of Colonel Dyott, a denial that it came from him, or from any person connected with Colonel Dyott, to his knowledge.

Is it so improbable, putting the whole evidence together, that that 9s. 6d. may have been paid by some indiscreet or ignorant friend of Colonel Dyott's, not an agent, as actually took

took place in the case tried before me last week at Guildford, that I ought to fix upon the sitting Member a responsibility for an act which is only traced to him by inference, and the actual effect of which was, as it appears, to produce a vote for his opponent. I think, considering the solemnity and weight which ought to be attributed to an election, so far as one can judge in all its substantials, regularly and properly conducted, and to the amount and weight of evidence that ought justly to be required in order to disturb a transaction of that description, looking back also to the precedents which exist as to the action of election committees in cases of this description, and finding none which would justify me in going the length of avoiding the election upon the ground that there is sufficient evidence to trace the payment of 9*s.* 6*d.* home to an agent for whom Colonel Dyott is responsible, I ought not to arrive at that conclusion.

Having thus disposed of all the points save those disposed of in the course of the case, and which it would be tedious again to refer to, I must conclude by stating that I deem and determine as follows:—

First, that the Member whose return is complained of by the Petition was duly elected and returned.

Secondly, that no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

Thirdly, upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election; and I shall certify to the Speaker accordingly.

NORWICH ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 18 January 1869.

Lichfield.

Norwich.

Mr. Baron *Martin*.] WITH regard to one of the matters on which I am called upon to make a certificate to the Speaker, I do not propose to bind myself until I hear the whole of the evidence; but upon another, and the most important one, probably, in the case, I entertain no doubt. It is not a matter upon which, as it appears to me, in any judicial mind there can exist doubt.

With respect to the late election at Norwich, I have formed a strong opinion; I may state that there is not one word that has been said by Sir Henry Stracey, or by Mr. Patteson, or by the gentleman who was the agent, that I do not believe. I believe that they have been speaking the truth; I believe that there was an agency at the late Norwich election on behalf of Sir Henry Stracey; but I believe that there was another agency, of which we know nothing, and of the source or origin of which I have failed to get any trace. I believe that there was a dishonest and corrupt agency which was brought into play about the middle of the polling-day, and which ultimately carried the election; that there was a great number of persons bribed in small sums, and for the reason mentioned by my brother Ballantine, that there was no other buyer in the market; there was only one purchaser, and that purchaser had the market to himself; and that these persons took the small sums offered them, being desirous, if possible, of getting more. I have no doubt that at the late Norwich election there was a dishonest agency at work from the middle of the day of the polling. I have not reason to believe, nor do I entertain the idea, that Sir Henry Stracey or any of the gentlemen who were immediately connected with him, had anything to do with it. If I had the means, I should have been glad to expose the quarter from whence the money came with which Hardiment was supplied for the purpose of his corrupt work. I am desirous of saying so much at the commencement of the very few observations I have to make. At the conclusion of the case, I probably shall make some more; but, as I have said, it is a matter of gratification to me to declare, that it is my honest conviction that Sir Henry Stracey has spoken the truth, and that he was not concerned personally in the bribery which took place.

With regard to the law on this matter, it is clear. The 43rd section of this Act of Parliament enacts that when it is found that bribery has been committed, by or with the knowledge or consent of the candidate, a certificate shall be made to that effect by the judge; the result of which would be to impose very serious disabilities upon the candidate. With regard to that, the evidence of what took place at the “Trumpet” bore, at the conclusion of the Petitioner’s case, against Sir Henry Stracey; but I think he has answered it, and therefore it will be my duty, in the report which I shall make to the Speaker, to state that no evidence was adduced to satisfy me that bribery had been committed with the knowledge or consent of Sir Henry Stracey.

But by the 46th section, coupled with the 36th section of another Act of Parliament, (the 17 & 18 Vict. c. 102), another offence is created. These two sections enact that in the event of a candidate, by an agent, committing bribery, he becomes incapable of being elected; and when a candidate, by an agent, for whom he is responsible, commits an act of bribery, by that act the capacity of the candidate to be elected ceases; his status is destroyed, and no vote given to him will be of any avail. Some misapprehension occurred with regard to what I stated the other day in reference to that matter. It is not that the vote is thrown away in the sense in which my brother Ballantine seems to have sup-

Norwich.

posed. I did not mean it in that sense; I meant, that the moment an act of bribery is done by the agent, for whom the candidate is responsible, from that moment the man is incapable of being elected. The law puts its hand upon him, and says it cares not if nine-tenths of the electors vote for him. That act of bribery incapacitates him from sitting in Parliament; and the real question which is to be decided in this case is, whether or not the admitted bribery by Hardiment, about two or three o'clock in the afternoon, is an act for which Sir Henry Stracey is responsible according to the law of England, or the election law, if you think fit to call it so.

The facts are these:—The election took place on the 17th of November. Up to the middle of the day everything seems to have gone on honestly. I have no doubt that there are a number of people in this town who honestly and conscientiously support both sides of the great questions of the day. Up to one or two o'clock votes were honestly given. About the middle of the day there was a large majority in favour of Mr. Tillett and the other gentleman who stood with him. But the result of that day's polling was this: that between three and half-past three in No. 3 Ward, there were 40 votes polled for Sir Henry Stracey; and that between half-past three and four there were 121 polled for him. In the 6th Ward, between three and half-past three there were 43 votes polled for Sir Henry Stracey; and between half-past three and four there were 103 votes. In the 7th Ward, between three and half-past three, there were 66 votes polled for Sir Henry Stracey; and between half-past three and four, there were 123 who voted for him. And the result was, that between half-past three and four, out of the constituency you have heard mentioned, there were 504 votes polled for Sir Henry Stracey; and it is stated in evidence, by three or four gentlemen who were employed to take the poll, that a very considerable number of those voters came up in a state of intoxication, so gross, that in some instances they did not know who were the candidates for whom they were going to vote. And it is further proved that in three public-houses there were a number of men of the very lowest class of voters waiting, according to the expression of one of them, "on the look-out," and I have no doubt that these men were in these public-houses, waiting to be bribed; and that they were bribed, and that the great proportion of that low class of voters who voted in the afternoon of that day, that is, between half-past three and four, were bribed voters.

The portion of the matter which affects Sir Henry Stracey is the act of Hardiment at the "Woolpack," and that took place somewhere in the afternoon, say, from two to half-past three. The landlord of the "Woolpack" was called, and, according to his statement, there had been held at the "Woolpack" a committee who were friendly to the Liberal cause, and they continued to come to his house for some time, for about three months; and, as I collected from what fell from one of the witnesses, they afterwards thought that they must give a turn to some other man, and remove the meeting from the "Woolpack" to another house. This body then ceased to come there; and upon the day of the election it is proved beyond doubt that a considerable number of voters were at this house; and it is also proved that Mr. Harper, who took an active part on behalf of Mr. Tillett, came to the house, and saw the landlord, who told him that it was useless for him to see those men except he was prepared to pay them a day's wages. According to the evidence of the landlord, Mr. Harper went away to consult some committee about it, and his evidence had a tendency to prove that he afterwards came back, and as the landlord understood, or as he wished me to understand, he was prepared to comply with the wish of those men, and to pay the day's wages; but that he, the landlord, from an unwillingness that a transaction of this sort, which he thought, and thought rightly, would be bribery, should take place, prevented him from seeing the men; but I regret to state that the landlord denied that at that time Hardiment was at the house, whilst it was proved beyond doubt by a very respectable man, a friend of Sir Henry Stracey's, that at that very time Hardiment was upstairs with those men bribing them with a guinea each, to induce them to vote for Sir Henry Stracey. That is proved to such an extent that Mr. Rodwell, with the good sense which has distinguished him always, and which has distinguished him so eminently throughout this investigation, felt that it was perfectly idle to contest it. It is as plain as anything can be, that some time in the afternoon of that day, Hardiment went to this house, and was admitted by the landlord to the men there. It had been a Liberal house, and these people were liberally inclined. It is something, though it is little, that they seemed to have been willing to have taken a day's wages from Mr. Tillett, whereas they required about four times a day's wages to vote for Sir Henry Stracey. The result was, that having got this money they went and voted for Sir Henry Stracey. Hardiment, then, having bribed beyond all doubt, is Sir Henry Stracey responsible for it? It is proved by his agent, who was called this morning, that he had committees appointed in eight wards; and that in this ward, where Hardiment acted, the principal person managing it was Mr. Wiseman. I do not think that any injustice can be done to Sir Henry Stracey if the evidence of Mr. Wiseman is taken to be true; I have no reason to disbelieve Mr. Wiseman. He states that he was the manager at this eighth ward; that he was appointed by the attorney; that the persons who attended there were young Mr. Stracey, Mr. Hardiment, and Mr. Dawson. He then states in answer, not to any question of my brother Ballantine, but in answer to the gentleman who examined him on behalf of Sir Henry Stracey, that they were canvassers; that the eldest son of Sir Henry Stracey and Hardiment canvassed together. He said, "Hardiment went out at half-past 10 in the morning; he and young Mr. Stracey went out together. They had books; I did not see Sir Henry Stracey himself there; Mr. Thirkettle" (the man who has been alluded to, and who is now managing the business of Hardiment, who has absconded) "was there. There were

four books. Hardiment went out the second day with two other gentlemen, but not with young Mr. Stracey." This was anterior to the election; but in the afternoon of the polling-day Hardiment went to this public-house, and there bought the voters to whom I have referred; and how can I draw any other conclusion than that that man was, in point of fact and reality, an agent, and a canvassing agent acting with the son of Sir Henry Stracey. I should bring this tribunal, or any other tribunal, into contempt, if I failed to draw the conclusion that that man was acting under the authority of Sir Henry Stracey in doing what he did. It is impossible to arrive at any other conclusion.

The result is that I shall report to the Speaker that bribery was committed at this election by the agent of Sir Henry Stracey. I entertain as little doubt as I can entertain upon any question, that I have come to a correct decision.

I will postpone any further observations that I may make with regard to this case, until the whole of it is completed; but there are matters which have occurred in this election which I do hope the respectable people of Norwich, on both sides, will take into their consideration and endeavour to put a stop to, which are not merely a disgrace to Norwich, but to the kingdom. Here are men to whom the suffrage has been given, upon the statement that they were honest, respectable men, earning their wages, having independent opinions, and who would give their votes honestly. It may be that there are many such people in Norwich, and I hope that there are; but what have we heard here? We have heard of people who go to a public-house, begin the day by drinking, take it as a sort of holiday, and at the end of the day are in a state of drunkenness, and sell themselves at the election for a few shillings, and go and vote against their consciences, under the corrupt influence which is brought to bear upon them by persons who, I have no hesitation in saying, are infinitely worse than the men themselves.

Mr. *Ballantine* stated that he had advised his client not to proceed with the scrutiny.

Mr. Baron *Martin*.] This, therefore, will be an end of the inquiry. The only matter to which I have to give consideration is with respect to what I shall certify to the Speaker as to my belief that corrupt practices have existed to a considerable extent at this election, and I really would wish to get further evidence upon this point, if any one can give me evidence upon it. I wish to know what was done at other public-houses. I cannot believe that those were the only three public-houses at Norwich where this work of corruption went on. I do not want myself to initiate inquiries, but I have a strong impression upon my mind that there was very considerable corruption going on at Norwich during the afternoon of that day, and I am certain that there exist the means of giving me information upon the subject. I have no doubt that there were two agencies at work during this election; an honest agency and a dishonest agency. It will be a serious matter for this borough, for an inquiry may lead to what has taken place at Yarmouth.

With regard to the second head on which I have to report, that is, the names of the persons who have been proved at the trial to have been guilty of corrupt practices, I shall make a return to the Speaker of the names of those persons who themselves swore that they were bribed. The costs follow the event.

Mr. *Rodwell* asked his Lordship to specify more particularly what costs he alluded to.

Mr. Baron *Martin*.] The costs of the Petitioner, to which the Petitioner is entitled, are those which have been incurred by him in respect of showing his freedom from all bribery and those which have been incurred in showing that there was bribery for which Sir Henry Stracey was responsible.

Mr. *Rodwell* submitted that Sir Henry Stracey ought not to be called upon to pay the costs which had been incurred in defending himself against the charge of agency, and against the scrutiny with which he had been threatened by the Petitioner.

Mr. Baron *Martin*.] I am satisfied that there were a very great number of bribed votes given on behalf of Sir Henry Stracey. My impression is that Sir Henry Stracey ought not to have the costs of that, but I will consider the matter, and I will tell you to-morrow morning if I alter my mind.

Mr. *Rodwell*.] I should be obliged to your Lordship if you would intimate that to us in the morning.

Mr. Serjeant *Ballantine*.] I think my learned friend for once has fallen into a fallacy. There is really only one inquiry, and there is only one issue. The issue is whether or not Sir Henry Stracey has been duly elected.

Mr. Baron *Martin*.] You claim the seat, do you not?

Mr. Serjeant *Ballantine*.] But that is not the ground upon which my learned friend puts it, as I understand. That is disposed of, because nobody can say that the matter was vexatious, when the amount of bribery shown by Hardiment, and the number of votes undoubtedly bad, must be present to your Lordship's recollection; and therefore the only ground upon which the costs could be given against the Petitioner, would be that there had been anything vexatious in asking for a scrutiny. I think your Lordship will feel that there was nothing vexatious in that.

Norwich.

Mr. Baron *Martin*.] I do not at all judge of the matter upon the vexation. I myself think that that is not the true test. I do not see anything vexatious in the conduct of any one.

Mr. *Rodwell*.] The view that occurred to me was this: supposing this case had come into court simply under the 43rd section; supposing that there had not been a word about agency in any part of it; supposing that there had been nothing with regard to re-criminatory evidence, and that upon the evidence which had been given, Sir Henry Stracey had succeeded; then, I ask, what would have been the decision of the judge upon that particular case?

Mr. Baron *Martin*.] Do you mean that if Sir Henry Stracey had succeeded under the 43rd section, if you consider that a separate issue, he has succeeded; is that what you contend?

Mr. *Rodwell*.] That is my view.

Mr. Baron *Martin*.] I do not concur in it. I think there is only one issue upon that point.

After some further discussion with respect to costs,

Mr. Baron *Martin*.] The matter has terminated so far that Sir Henry Stracey has, by an agent, been guilty of an act which the law declares to have incapacitated him to sit in Parliament. It is alleged against Mr. Tillett that he had committed a similar act, and if he had he would be incapable of sitting in Parliament. That has failed with regard to Mr. Tillett; but to entitle Mr. Tillett to sit he must satisfy me that he had a majority of legal votes, and in that case every bribed vote and every vote admitted by mistake, must be struck off. He is not entitled to the seat until he does that, and the inquiry upon a scrutiny would be whether, in point of fact, upon the poll-book, Mr. Tillett had a majority of lawful votes. The law is equally clear with regard to voters as it is with regard to candidates. A person bribed loses his status as a voter, and his vote is an absolute nullity; he can no longer vote, and the pen must be run through his name, and he not counted as a voter, but until that is established, the vote must stand as it appears upon the poll-book, and if this were to have been gone into I should have expected that persons on both sides, with the view of saving trouble and expense, would have agreed upon those which were bad, merely fighting those that were doubtful. If you suppose that, because the agent of Sir Henry Stracey committed bribery at three o'clock in the afternoon of the polling day, thereupon every vote for Sir Henry Stracey after that time should be struck off, that is not correct.

I anticipated it as possible that I might have occasion to sit here to-morrow morning, but now that is unnecessary. I am as anxious to relieve the parties of expense as they can be to relieve themselves. I will speak to Mr. Justice Blackburn and Mr. Justice Willes upon this subject before I come to a final conclusion. My own opinion is what I tell you, that if I were dealing with the costs of a motion or rule in the Court of Exchequer, the costs would follow the event; but I will speak probably to both those learned judges, certainly to one of them, before I finally make up my mind. You may depend upon it that the case shall have the full consideration of one other mind, and probably of two, and nothing shall be done hastily.

I have now merely to state that, at the time I expected that the scrutiny would take place, I thought it probable that some light would be thrown upon the bribery during the discussion of that scrutiny, and if I saw the means of getting at the quarter from whence the money was supplied which paid those bribes, I would adjourn this case to any extent to get at it; for that it existed I do not entertain a doubt. The question that I have reserved for further consideration beyond that of the costs is whether or not I shall report that there is reason to believe that extensive bribery prevailed at Norwich at the last election. If I do so, probably the result will be that there will be a commission to inquire into the matter, which can be done, if it were only by taking the names on the poll-books from half-past one up to the end of the day. Such an inquiry might possibly lead to the disfranchisement of this city. One would be sorry that a population of 78,000 people, and having 13,000 electors upon the poll-book, should be deprived of their franchise by reason of the corrupt conduct of probably not one-tenth of the electors. But look what it is. Upon the day of this election there were a number of persons, who have lately got the franchise; they are men who earn their bread by their daily work; instead of going to their work, and voting, if they thought fit, when they went to their breakfast or their dinner, which they might easily have done, there would not have been the slightest difficulty in any one of them, during the period which they have for their meals, to have given their vote, they go to public-houses, and either of their own accord, or by the temptations of others, drink beer all day long. From what fell from some of the witnesses to-day, and which I daresay is true, some one or other gave them drink. There were a number of men called from the "Marquis of Granby," who said that they had drunk there, but never paid for it. That they were drinking during the day, and that there were a considerable number of such persons who voted is obvious to all. Now, is it not plain that the respectable people of this town should set their faces against those practices; they should one and all, of all sides of politics, endeavour to prevent such a thing existing, and, instead of availing themselves of

Norwich.
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of such persons as are always to be found, they should peremptorily refuse to have anything whatever to do with them. I should say, taking that as the view which moral and well-conducted and certainly religious men should take, that instead of availing themselves of those people who are ready to be corrupted, they should use all their influence to prevent it. That is the moral view of this subject, but there is a view that many people adopt, and that is the utility view; and in addition to the moral view, just consider what is the use of it. When a man is called upon to pay a sovereign for a vote, and he thinks he can get some benefit for it, there is a temptation for him to pay it, but if it is certain that it will not be of the slightest use, and that no benefit will come from it, it may aid his moral view to avoid it. There were, say, 16 or 20 people at one of those public-houses; they obviously expected more, and for some time they would not take the 5*s.* which was offered at the "Trumpet," and they ultimately did get a sovereign at the "Woolpack." The price came down from 2*l.* to 5*s.*, that being taken because, if they did not take that, they would get nothing. Can any human being suppose that 20 drunken men bribed in that way, and not getting as much as they required, would not complain of it the very night of the election, and that in 24 hours it would be as notorious as any other fact connected with the election, that men at the "Woolpack" were bribed by a sovereign, and that men at the "Trumpet" were bribed by 7*s.* 6*d.* What possible benefit can arise from obtaining voters by such means? The matter, I am satisfied, was as notorious at Norwich on the night of the election as it is now. I do not entertain the slightest doubt that in the neighbourhood of those public-houses it was known perfectly well what were the bribes that were given, and they probably were very discontented at not getting more. The probability is that half of the 7*s.* 6*d.* would go to pay the score that they ran up at the public-house, and the other half would be spent before they went home at night. Formerly there was a tribunal, which, I believe, was a perfectly honest tribunal, but it was a tribunal which was liable to be operated upon by addresses made to them by able and learned counsel, which they did not see their way to answer; but not merely will the persons who have now to preside upon these matters know the value of those speeches, and probably know how to answer them, but they will not be made before them. The sort of addresses that were made to Committees of the House of Commons will never be made to the judges at all. Votes thus procured are certain to defeat the end. Therefore I suggest to people of all parties in this town to set their faces against this corruption, and not to lend themselves to it. I do hope that they will see the advantage of putting an end to it, and that they will make any future election at this place a very different one from the last: make it a real *bonâ fide* honest election. This matter does not regard one side merely, it regards the town generally. The report which I shall make has to do with the state of the electors generally, and not with the one or the other side.

Mr. Rodwell.] They were probably in that state, many of them, that if the other side had given 5*s.* more, they would have got them.

Mr. Baron Martin.] I should think, from the evidence of Mr. Womersley, that, if they had given some of them 15*s.* less, they would have had them. I have intimated that my conduct in this election is not to be taken as a model for another. I shall endeavour in every future trial to conduct it according to the ordinary rules of law, and I will not allow a witness to be put up for the purpose of proving a fact, and when he fails in proving it, to be cross-examined as if he was not a witness to be believed. If gentlemen think proper to call witnesses, they must take the consequences.

OLDHAM ELECTION.

JUDGMENT delivered by Mr. Justice Blackburn, 23 March 1869.

Oldham.
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Mr. Justice Blackburn stated that an application on affidavit for an adjournment had been made to him *in camerâ* this morning, and that at present he saw no ground for granting an adjournment. With regard to two out of the three classes in the additional list, he ruled that they could not be gone into.

Mr. Rodwell applied for a short adjournment for consultation.

Mr. Justice Blackburn granted the application.

The Court adjourned for 20 minutes.

When the Court resumed its sitting,

Oldham.

Mr. *Rodwell* stated that, after consultation with himself, his learned friends, and his clients, exercising their best discretion upon his Lordship's decision, the Petitioners had come to the conclusion to withdraw the Petition. He applied that the question of costs might be reserved for the consideration of the three election Judges, as to whether the costs should not be divided.

Mr. *Edwards* was heard briefly to address the Court against the application to divide the costs.

Mr. Justice *Blackburn*.] There can be no harm at all in reserving the question of costs until I have spoken to the other election Judges upon the subject, and I will so reserve it. In this case there are 6,000 and odd voters on each side, the majority of the Member lowest on the poll being only six over the next candidate. No one can say that the Petition was either frivolous or vexatious; *primâ facie*, one would have supposed that it was an even chance which side should have turned out to have the most bad votes, and therefore the Petition could not be considered frivolous or vexatious; but in the event, as it turned out, the Respondents, the sitting Members, were in the right, and the other parties, the Petitioners, were mistaken. In ordinary litigation, the costs following the event, the Respondents are entitled to costs; but if the principle by which we are to be guided is that each party is to bear his own costs, unless the other party has been to blame, the Respondents are not entitled to costs. In this case I do not see that the Petitioners have been to blame, and I shall therefore reserve the question of costs for the decision of my learned brethren and myself.

Mr. *Herschell*, appearing for Mr. Hibbert, applied that in the matter of the division of costs the case of Mr. Hibbert might be severed from that of Mr. Platt.

Mr. Justice *Blackburn* again stated that he would reserve the question of costs until he had consulted with the other election judges.

It was admitted by the Petitioners, as proved, that the Respondents had established the number of votes requisite again to place the sitting Members in a majority.

Mr. Justice *Blackburn* then stated that, this being the case, there was no necessity to reserve, for the decision of the Court of Common Pleas, any of the legal points which had arisen in the course of the case; and that he had only, therefore, to announce that he should certify to the Speaker of the House of Commons that the sitting Members were duly elected.

PENRYN ELECTION.

Penryn.

JUDGMENT delivered by Mr. Justice *Willes*, 26 February 1869.

Mr. Justice *Willes*.] THIS is a Petition presented by certain voters at the last election for the borough of Penryn, praying that the election of Robert Nicholas Fowler and Edward Backhouse Eastwick to serve as Members for the borough, should be determined to be null and void upon several grounds alleged in the Petition.

The only ground insisted upon, on the trial, was bribery. There is no suggestion of undue influence. There is no suggestion of corrupt treating, and it is very much to the credit of all persons concerned that there should not be any such suggestion. There is no suggestion of any actual money-payment in the way of bribery. There is no suggestion, except in cases which, looking to the general conduct of the election, are exceptional, of any offer of money in the way of bribery; but it has been sought to establish bribery chiefly in the form of a promise or promises to a voter or voters of employment, in the event of such voter or voters giving their vote for the present sitting Members; and in the next place, and as standing by itself, and forming a case of its own class in respect of bribery, by the promise to a deaf-and-dumb voter that if he voted for the present sitting Members, he should be sent to an asylum in London where he might recover his hearing and speech to some extent, and that his wife and children should be looked after in the meantime.

It will be necessary in disposing of this case to make some general remarks upon the character of the election and the proceedings connected with it. In so far as the character of the election is concerned, probably all that it becomes me to say has been said already, or is involved in what has been said. In respect of those general remarks which should be made upon what is connected with, or immediately consequent upon, the election, I think that they may be summed up by stating that in my mind the accounts which have
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been rendered as required under one of the Corrupt Practices Acts, within two months after the election, for the purpose of checking the expenditure of the candidates at the election, have not been rendered in a satisfactory form, and that is a remark which I have found applicable to many of such accounts which have been brought before me in the course of this election circuit. In one place, for some reasons not at all satisfactory to my mind, the accounts had not been rendered within the two months. In other places the accounts had been rendered, but large items were not properly vouched; and in this place accounts have been rendered in which a large, and, with reference to some of the complaints that have been brought under the notice of the court by the Petitioners, a material part of the expenditure was not mentioned at all, and that a part of the expenditure which ought to have been certified under the hand, as I read the Act, of the sitting Members themselves, because it was in respect of money paid by them.

An account, more or less satisfactory, has been given of the reasons why the statute was not more accurately complied with. The result may be stated thus: that it required an inquiry, and it required an explanation to satisfy one's mind that the expenditure which was not included in the accounts was expenditure of a character which was not suspicious; and I think that the practical conclusion is, that the insufficiency of these accounts, in so far as all these accounts are loose, is a matter which probably will be inquired into by a Committee of the House, or by proper authorities appointed for the purpose, if one can at all judge from the course of events. But the practical result, so far as this cause is concerned is, that the omission which was peculiar to the present case, is explained by showing that a Mr. Freston was sent down, at considerable expense, to make inquiries prior to the registration, that he was employed at the registration; these being expenses which would not, as I read the Act, probably come into a properly framed account, though I should not like to advise anyone to leave them out who was anxious to avoid the penalties of not accounting, and also that that gentleman was paid a further sum for his expenses in the election, calculated upon a scale which does not appear to be extravagant, considering that he was a person in the legal profession, and considering that he had to come a long way, and to make considerable exertions in the cause of those persons who engaged his services. I think that that part of the case consisting of suspicion arising out of what I think (indeed it is unnecessary to repeat, for I think it was eventually admitted by the learned Counsel for the Respondents) was the irregularity of the accounts, has been removed, as unquestionably in my mind it was incumbent upon the Respondents to remove it.

Therefore without further remark upon a matter which is now out of the case, and ought not to be allowed at all to influence my judgment upon the specific questions which remain to be decided, I must now turn to the various cases which have been brought before the court, and ascertain whether in either of them it is established that bribery was committed. As to some, they may be easily disposed of. I will take first the case of Coombes, which I must class with the case of Webber. It was alleged that a person of the name of Coombes was paid 5*l.*, and that a person of the name of Webber was paid 4*l.* 10*s.* for his vote, through a person named Martin; and although the case was not opened with much confidence, the men were called upon a suggestion that they had received the money. Webber denied that he had received any money from Martin approaching the sum which was stated to have been paid him. Coombes said that he had at times received money from Martin by way of loan, but that he had received no money by way of bribe. And Martin, having been called, confirmed the evidence of those witnesses. It was, however, sought to be shown, by calling a young woman who was in Martin's employ, that, shortly after the election, Coombes, who was waiting at Martin's place, was called by Martin into a room, which she described, and which opened into a passage where she was, and where, without any further concealment than being in a room where the door was open and where any person in the passage might hear Martin inform Coombes that he had 5*l.* for him, he handed him four sovereigns and 1*l.* in silver. She stated that the same had been done with 4*l.* 10*s.* by Martin to Webber. Then to complete that case, there was a scene spoken to by Martin in contradiction of her, at which he alleged that another person, not a relation of his but of the same name, a person called James Martin, was present, and at which it was said that she had come to him to express her regret for the statements that she had made to the Petitioners. She denied that that was so, and said that what passed had some relation to another money transaction in which some charge had been brought against her. But this morning, James Martin being called, confirmed the account that William Martin (whose name I first mentioned, and who is said to have paid Webber and Coombes the 5*l.* and 4*l.* 10*s.*) had given of it. This was a Martin of a different name, and no relation of William Martin, who said that the account given by William Martin was right, and that this young woman had called lately, to withdraw the statement she had made.

I can only say, as I am called upon to say whether I believe that Martin made that payment, that if there had been a suggestion of a great number of such payments spoken to by a great number of young women like the witness, under similar circumstances, I need not say what judgment I should have passed upon that. I think that when the young women who were so contradicted had amounted to a certain number, watching their demeanour, and forming my best judgment as to whether it could all have been a lie, I might have come to the conclusion that they were speaking the substantial truth, and that all the people who were opposing them were a multitude who had determined to do evil.

But I find it quite impossible to come to such a conclusion in a case presenting the
120. R outline

Penryn.

outline which, as I have shortly stated, is presented by the evidence. I think that in this case it is not made out that the money was paid, and if it was, I think that it is not made out that Martin was any agent of the sitting Members; and in either point of view, I must treat this, as indeed I think it was treated by the learned Counsel for the petitioners in reply, as being a case not calling for any further notice than I have given to it. It is lamentable, no doubt, to consider the wickedness of the person or persons who may be speaking falsehood in that case, and either one person was speaking falsehood or many persons were speaking falsehood in the case. But it would be still more lamentable that anybody who was intrusted by the law to form a just (and there can be no just, unless it be a safe) judgment upon the facts, should come to the conclusion that there was bribery upon such evidence as that.

The next case with which I have to deal, is that of a person named Nelson; and here again is a case in which there is a conflict of testimony, such that it is impossible to say that I think one may have been mistaken or the other may have been mistaken; that they may each be speaking to the same transaction, and they may be regarding it from different points of view; and I have to pick my steps through the conflict of their evidence and endeavour to follow the line of truth. Mistake is impossible with respect to their evidence, because this person Nelson stated positively, that he was offered half-a-sovereign by Charles Moon to vote for the successful candidates. He said, circumstantially, that he answered that half-a-sovereign would do him no good, and that he must have 3*l.* or 4*l.* (he did not know exactly which); that he was thereupon, not upon that occasion (as at first he seemed to represent) but upon another, taken to a place where the gentleman who was returned at the head of the poll, Mr. Fowler, was at the back of the assembly rooms, that Moon introduced him as a man who would vote for Messrs. Fowler and Eastwick, but required money to do so, required to be paid for it; upon which he states that Fowler asked Moon "How much will satisfy him;" and that Moon answered "3*l.* or 4*l.* will satisfy him," and that Mr. Fowler instead of expressing his disgust at such a person as Nelson, if he did that, must have appeared to any honest man to be, shook hands with him and (a party of Liberals coming up) said, "We must consider this another time."

Therefore Nelson's evidence is point blank that he was offered half-a-sovereign by Moon, that he made terms with Moon, that he was introduced to the candidate, Mr. Fowler, and that Mr. Fowler though he did not actually give the money, so far paltered with crime as to express by his acts his approbation of the conduct of the man who proposed it, and to postpone the discussion of it to another opportunity. That man Nelson, who seemed at first to glory in the notion of having a vote to sell, as I thought, upon being examined afterwards, seems to have thought better of the effect which such a statement might produce, and seems to have, I think, at the last, rather modified his representation of his own character, and seemed rather desirous to represent that he was a man who would not sell himself, but who would pursue a person who desired to buy him with ingenuity, to discover his offence, so as to be able to repeat afterwards that the offence had been committed, and to convict the offender, even though the offender should be that person who ought to answer in such cases, if anybody is to answer, namely, the principal, Mr. Fowler.

This evidence was sought to be confirmed by a person named Robert White, who stated that he was in the street about 10 or 15 yards off Moon and Nelson; that he heard Moon say to Nelson while he was at that distance off, "Do not you tell the men at the Bone Mill," that being the mill I presume where Nelson was employed, and in respect of which, he being a man at work there, had at first described himself as a miller, and required some little pressing, upon cross-examination, before he said that he was not the miller, but the miller's man. This White says that he heard that at some 10 or 15 yards off, and then, passing by in the open street, Moon the carpenter, said to Nelson in his hearing as he was going by, "If you will vote for Mr. Fowler I will give you half a sovereign." That is the account that White gives. Of course it is improbable that persons should commit offences known to be offences in the open streets and in the hearing of people going by, who may be honest enough to inform those who are interested in the matter of the fraud that is being practised upon them; but it is not impossible that Moon may have been (as many criminals are) infatuated and hardened enough to proclaim the guilt that was in his mind; however, if it went to an inquiry, by what sort of characters the latter more improbable state of things is spoken to, upon White being cross-examined, he turns out to be a sort of person who, though in his own opinion quite innocent, was very ill thought of by others, not only in respect of his having to leave the Wesleyan connection, which might be on account of his peculiar doctrines, and to which therefore, with the greatest respect for that connection, I do not attach so much importance, but also in respect of his honesty as between man and man, a person of bad character. On the other side was called, first of all, a person of the name of Stephens, whom Nelson had introduced into his story, and whom I did not mention at the time of reciting Nelson's evidence, because the principal characters were Moon and Mr. Fowler; but Stephens he referred to as one of the persons who were concerned in offering the half-sovereign. Stephens is called, and denies it; Moon is called, and denies it; Mr. Fowler is called, and denies that the conversation took place in which he is supposed to have confirmed and approved of the purchase of the vote, and actually shaken hands with a man who was mean and base enough to propose to sell himself for 3*l.* or 4*l.*

What is the proper result with respect to Nelson and with respect to White? The result in my mind with respect to Nelson and with respect to White, I own, is that they are about

about the only witnesses of those who have been called in this case as to whom in other transactions, I should, if I were to happen to meet them and remember them, take very good care to keep as far away from them as I could. I thoroughly and heartily, though with pain, arrive at the conclusion (I am bound to do so, and I do so) that Nelson and White are people who are not to be trusted, and I do not, and cannot rely upon their evidence.

Now, going through them, in the order of the opening, I think that the next class of cases with which I have to deal includes those of Williams and of Thomas. I must dispose of the cases of Williams and of Thomas shortly; these appear to me, especially Thomas, as far as I could at all judge, to belong to a very different class of people from what Nelson and White did, because I do not at all pretend to say that I disbelieve the substance of what either of these witnesses said, and especially Thomas. Williams and his wife spoke of a person of the name of Blee having come to them and having spoken of Williams being rewarded if he voted for Messrs. Fowler and Eastwick. I think Mrs. Williams was the first who was called, and stated that, and then Williams was afterwards called, and he said that Blee told him that if he voted for Messrs. Fowler and Eastwick he would be on the safe side, and that 5*l.* would be a good thing for a poor man, and so forth. That is the substance of what was stated to have been said by Blee to Williams and his wife. With respect to Thomas, I think the person who spoke to him was a person of the name of Datson, according to Thomas (and I have no reason to speak of Thomas except respectfully). Datson had two conversations with him, one before Messrs. Fowler and Eastwick came to canvass him, and one after, in which Datson spoke in a like way to Thomas as Blee is stated to have spoken to Williams and his wife. I think it will be found that each of those persons, both Williams and Thomas, if I am not mistaken, voted for Messrs. Smith and Hodgson; whatever inducement was held out to them, if any inducement was held out to them, respectively, by Blee and Datson, appears to have had no effect whatsoever upon either of their minds; they voted as they intended, for Messrs. Smith and Hodgson, and were not at all influenced by the alleged offers.

Now, it appears to me, that those cases stand upon the same footing, and certainly if it had been proved that either Blee or Datson was an agent for the sitting Members, I should have expected, as was properly suggested in the reply, that those persons, or the one of them who was proved to be an agent, should be called forward to account for his conduct, because if in the course of an election an agent or a person employed on behalf of a candidate makes use even in the course of conversation, or, so to speak, without deliberately intending it, of language the natural effect of which is to impress upon a voter's mind that he will be rewarded if he votes in a particular way, or abstains from voting against a particular candidate, that ought to be construed to be bribery, and ought to avoid the election.

But I am afraid that there are (indeed every day's experience shows that there are) talkative people who will discuss questions in what I may call an abstract way, and who will upon the occasion of an election, or any time of public excitement, discuss, and especially would be likely to discuss with an intelligent man like Thomas, the question of whether or not, for instance, bribery was the serious offence which it really is, and who might be inclined to make suggestions as to whether there was or was not money going; and as to the prospect of voters on a particular side getting a sort of reward, which formerly it was not uncommon for voters to get in a corrupt way; but rewards which, although they must be called so in one sense, generally prove to be curses, because they only led to scenes of drunkenness and violence which did no good to the electors, and made some elections a sort of hell upon earth, practices, which I am happy to say, from what little I have observed upon this circuit, are passing away into things to be forgotten, and I hope never to be renewed.

But whilst candidates may very justly be bound, and in point of law are bound, to keep their agents from engaging even in general conversation of that kind which might be mistaken, in the course of an election, it is impossible that each candidate can warrant that every chatterbox on his side shall abstain from talking and giving opinions which may be afterwards represented as offers and enticements to the persons to whom they are addressed. In this case it is material to observe that there is really no proof, that I remember, with respect to Blee's being an agent. I recollect no proof, Mr. Macnamara, of Blee's being an agent.

Mr. Macnamara.] No, my Lord, he was not an agent.

Mr. Justice Willes.] And with respect to Datson I can discover none, except the single fact of his having come in the first instance to ask Thomas how he was going to vote, and telling him, in language which I must refer to in a moment, because it is somewhat remarkable, that he was on the wrong side, and then suggesting about the 5*l.*; whereupon Thomas, who appears to be a strong Whig (I observe that in this borough the one side are called Tories, and the other, I suppose, Whigs), announced his intention of voting upon that side, as he ultimately did. Nevertheless, Datson appears to have induced Messrs. Fowler and Eastwick to go to Thomas's house, and that is the only occasion upon which I can recollect that Datson was at all shown to have come into communication with Messrs. Fowler and Eastwick; and he brought them there upon the fool's errand of getting Thomas to vote for Mr. Eastwick, under the notion that he was favourable to Mr. Eastwick; and that was the subject of a conversation between Messrs. Fowler and Eastwick. Something was said by Datson to Thomas in a low tone, as Thomas described it, during the period that they were there; not amounting, however, to anything which

Penryn.

would at all fix upon Messrs. Fowler and Eastwick the knowledge that Datson had ever even talked to Thomas upon the subject of whether it was a good thing to bribe or not; or whether there was any money going, and so forth. Messrs. Fowler and Eastwick having gone away, Datson then renewed the conversation which he had originally had with Thomas upon the subject of a bribe.

Now as an instance of how exceedingly unsafe it would be to fix Members (I will not use a new word instead of that which I have already used, because that expresses it well) with the chatter of persons in the position of Datson, I will just turn to what Thomas said: I will turn to his account of the first transaction, and test it. Whatever may be the uses of satire, there is one instance in which I am afraid that satire may have done some harm. Everybody is probably acquainted with the ironical suggestion attributed to, I think, Sydney Smith upon the subject of bribery; "If you cannot put down this offence, why not let everybody bribe, and then in the end everyone will be on equal terms, and you may have the free choice of the community after all." Some people may have been silly enough to interpret that as if that wise and witty man was speaking his real mind in the sentence in which, taken apart from the context of his thoughts, he may be supposed to have suggested such an idea. But the notion at once will present itself to every reflecting mind; first, this is all very well for the rich man; secondly, this is all very well for the crafty and unscrupulous man; but with respect to the constituency, what a state of degradation will not they be reduced to if it finds acceptance with them, that they are to sell themselves to the highest bidder. That which was intended to be satire, and was meant to call attention in the most striking way to the necessity for putting down the odious corruption which in some boroughs did prevail, has, I am afraid, been misunderstood and misconstrued by some silly people into a sort of excuse for saying, "Well, what harm for a poor man to take money." I can conceive that a person, I was going to say half-witted, but I will say a person half-instructed, might take such a notion as that into his head, and, like people who have misrepresented Holy Writ by taking detached passages and suggesting that they give the sense of the entire, might have conveyed a spurious impression of the opinion of a great man to one with whom he was engaged in ordinary conversation.

What does Thomas say as to what first passed? I will take that as an instance and pass on. "We had many conversations about the election." Q. "What did he say to you?"—A. "He asked me who I was going to vote for; I told him I was Liberal." Q. "Go on."—A. "He told me I was a silly man." Mr. Justice *Willes*. "Repeat that." A. "He told me I was a silly fellow, for the Tory party would have the laughing side of me." It is not necessary to say that that is not like the address of a canvasser; it is like conversation between the two men which he said had taken place many times about the principles of the one and the other. "Mr. *Macnamara*. Did he say why?"—A. "No, he did not say why." Q. "What else did he say to you about the election?"—A. "He said to a man in my circumstances *5 l.* would be to my good?" Q. "What did you say to that?"—A. "I told him if I took any money I should consider it bribery." Q. "What did he say to that?"—A. "He said he should not consider it bribery; not exactly bribery." Q. "Did he say why he should not consider it bribery?"—A. "No, I told him I did not think, if I were taking money, I should be doing right in the sight of God." Q. "What did he say then?"—A. "He did not see any harm in it." Q. "Did he say that?"—A. "Some words like that;" and so on. Datson, if he said that seriously to Thomas, or to any person who he thought would believe it and be overcome by it, ought to be ashamed of himself. That is the only judgment I can pass upon the matter. But to go further, and to say that Messrs. Fowler and Eastwick should lose their election because a person has been frivolous enough, if he did not mean it, or wicked enough, if he did mean it to say that, would be contrary to the law, because it is only when a person who is in the position of an agent does wrong that the election is forfeited.

Now, it will be found that the question whether the effect of that, as being a general statement by Datson of his opinion whether it was right or wrong to take money, was intended as being an offer on the part of Messrs. Fowler and Eastwick will be further elucidated if the subsequent part of the evidence is turned to, of which I content myself with saying in general terms, without reading it over, that it was in words or to the effect as follows: not Fowler and Eastwick are giving money, and I have authority to offer you money, or anybody else, for Fowler and Eastwick, or for any club by which they are backed, but it is, "If any money is going you shall have some, and if none is going then I (Datson) will give you some out of my own pocket." If that was an attempt on the part of Datson to corrupt the mind of Thomas it wholly failed. It did not profess to be on the part of the sitting Members; and if it did, the person who used the words was not an agent of theirs, and they should no more be bound by what he did than I ought to be bound by the opinion which anybody outside in the place may now be expressing as to my conduct in anything that I may have done in the course of this inquiry.

Now, treating Williams and Thomas as standing together (and I would observe that they are the only cases of that class), I pass them over. There was, I believe, exceedingly reprehensible talk by Blee and Datson. The precise extent of the blame to be attached to them I should not like to apportion without hearing what they may have to say. Of one thing I am certain, that whatever it may have been it is not shared in by the sitting Members.

The next case with which it is necessary to deal is that of a person named James Thomas Rule. Now, I think that Rule's case stands upon a footing of its own. Rule

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was a sailmaker, and I need not recite his evidence, because I read it over in the course of either Mr. Giffard's summing up or my brother Ballantine's reply. It was expressed in language curiously reflecting the art in which Rule is usually engaged. It was very involved, I thought. I will not use an expression which occurred to me, because it might be thought that I meant to say something of Rule more than I really do. I do not want at all to say anything of Rule in any disrespectful way; but I will say that it is necessary to pick out of his language exactly what the result is. The language expresses the result, and a great deal more than the result. It winds about, and it is not very easy to find out exactly what the statement amounts to in the end. But I will pass it by with saying, that what he stated was said to him by Freston, in my judgment, does not amount to a promise by Freston, that if he (Rule) voted for Messrs. Fowler and Eastwick, Mr. Fowler would get him employment in that Brazilian service which Rule spoke of, by saying that it was a service in which either a cousin of Mr. Fowler's, or a cousin of Mr. Freston's (he could not exactly say which), had some interest to obtain employment.

I am quite satisfied that Rule was a person who wanted employment, and who did apply for employment; and I am quite sure also that if employment was to be had for Rule, Messrs. Fowler and Eastwick would not have objected, without compromising themselves, to give him employment; and I am not at all aware that if they did so *bond fide*, without at all intending to corrupt the man's mind, they might not have done so. I am not at all aware that a man is bound to give notice to quit to all his tenants who are of his way of thinking if he is going to stand for the county, or to refuse to let a farm to a tenant who is of his way of thinking, if he is going to stand for the county; or to refuse to take a person into his service who is of his way of thinking, simply because he is going to set up for the borough. He must not do that as a reward for the vote which he hopes to obtain, and he must not make the vote a condition of giving employment. But, as was well observed by Mr. Giffard, the employment of people to do work must go on in election times as well as in others; the affairs of life cannot be brought to a standstill. If you have a sum of money or a benefit, for which nothing is returned, conferred upon a voter, you have a tangible case which cannot be explained away by merely saying, "I did it, and I had no particular reason for it." You have then a case in which a Member or his agent must be called upon to give an account of what they meant, and to show satisfactorily that that which *primâ facie* was giving a benefit to the person which would have the effect of inducing him to vote for the Member, was really done with some other and an innocent motive. I am clear that when an unfavourable inference is to be drawn from the fact that some person has been employed, one ought to take care to be quite sure that there is something more than merely getting the man's work for that which is the real equivalent for the man's work. In this case, moreover, I must observe that no work was given to Rule, and that he voted for Messrs. Smith and Hodgson. The conclusion I must draw would be that Freston did praise up either Messrs. Fowler and Eastwick, or rather, I should say in particular, did praise up Mr. Fowler, who, I collected, was from London, and a gentleman of some position in the mercantile world. That he did commend him as a man who would be a good man to stand for Falmouth in some such way as this; "That is the man for Falmouth—that is the man for our borough; he is sure to do you all good, to advance your interest in Parliament; you will all be as happy as the day is long, and if he has any employment to give he will be sure to select people from Falmouth;" and so on. This is all matter of simple commendation, falling far short, I think (I speak without practical experience in these matters), of praises which I have seen conferred upon Members by those who proposed and seconded them at elections, and, to some extent, I think, even of the laudations which Members have been led away, in the excitement of election contests, to bestow upon themselves and their own prospects in the way of commendation. I must say I cannot think that Rule's case could have been seriously thought by the Petitioners to present materials for judgment; but it has been presented, and I have pronounced my judgment as well as I can upon it. There is an old maxim applicable to all transactions for commodities, and I suppose that Members of Parliament are not commodities exempt from it; that simple, general commendation of the article you deal in is not to be considered as fraudulent.

The next class of cases to which a reference has been made is one that includes Behenna and Clarke. Behenna and Clarke were persons who, if I recollect rightly, both voted for Messrs. Fowler and Eastwick. They both obtained employment. Behenna obtained employment from a person, I think, named Truscott. He did so upon an application to Mr. Freston, and he appears to have gone to Mr. Freston, and to have told him that he was in want of employment. Mr. Freston sent him to Mr. Truscott, and I think he got a month's work, about a fortnight before the election and about a fortnight after it. That was, I think, Behenna's case, and he was paid a price which has not been criticised for his work. He did get a month's employment, and he did vote for the Members whom Mr. Freston represented as agent.

This case is a little different from Clarke's in two particulars. One of them was that Behenna applying to Mr. Freston, being, I presume, known to Mr. Freston to be a voter, nothing was said about his vote until after he was told that he might go to Truscott. Then he was asked, "Do you intend voting for the Tories?" "Yes, I intend voting for the Tories." That, I think, was Behenna's case. He did get the work, and he did vote for the Tories.

Both these cases belong to a larger class, which has been very much discussed in election

Penryn.

committees. I do not recollect any of those cases having come under the cognizance of the ordinary courts of law, but the election committees had often to discuss (and that before the Act of 1867, which enacts, by the 11th section, that voters employed by the candidates in respect of the election within six months before the election, are to lose their vote, and it is a misdemeanor for such to vote) whether the employment of voters was to be considered as bribery; and there is a series of cases referred to in reports, of some of which I gave a list upon a former occasion, and which, therefore, I need not now repeat, in which scores, and indeed, in some instances, hundreds, of people were employed as messengers and watchers, and for the purpose of bringing people to the poll, and so forth, who, or a great proportion of whom, were voters, and they were paid for what they did.

If the mere employment of a man who was a voter and expected to vote for a Member was bribery of itself within the second section of the Corrupt Practices Act of 1854, it is obvious that the conclusion in each of those cases must have been at once that a man paid by a Member who would not or might not have been employed but for the election is to be considered as accepting the Member's retainer; that therefore you ought to impute the payment to a desire to induce the voter to vote; therefore there was bribery, and therefore the election is void. But that was not the reasoning adopted. The conclusion, shortly stated, adopted in those cases, and which is the conclusion of common sense, is, that unless the employment was colourable; unless, that is to say, it was an employment only in name, and it was shown that the money either was given for doing nothing, or was given in excess for the services fairly rendered by the voter, there was no bribery. That I understand to have been the conclusion in those cases. If a man was taken into an employment in order to influence his vote; if, for instance, Behenna had intended to vote for Smith and Hodgson, or not at all, and then Freston had said, "Oh, come into the employment of Messrs. Fowler and Eastwick, and vote for them," that would have been a bribe, no doubt. If he had said to Behenna, "Come into the employment of Messrs. Fowler and Eastwick," Behenna having engaged himself to the other side, there would have been strong reason for inferring that it was indirectly a bribe, because the inference would be that it was intended to change the man's mind. Where, however, there is the case, as Behenna's was, of a man who intended to vote for Messrs. Fowler and Eastwick, and through the intervention of an agent of theirs got a month's work, there is not necessarily a case, within the terms of the second section of the Corrupt Practices Prevention Act, where the employment is given to a man in order to induce him to vote for a candidate, there is not the intention to influence a vote which constitutes bribery.

I dispose of Behenna's case in this way; I cannot myself see the distinction between employing a man for the purposes of the election and getting a man employment at his ordinary work and at proper wages in another capacity, except that the former would seem to be rather more objectionable than the latter; and I see very great objections (indeed, no doubt, the Legislature did when they enacted the eleventh section of the Representation of the People Act of 1867 which, however, in terms voids only the vote, and not the election) in the former employment, though none at all in the latter, unless all the ordinary operations of human life are to come to a standstill simply because there happens to be an election coming on.

The case of Clarke stands differently. There does not appear to have been any design at all upon Clarke. The Members appear to have gone to canvass him without any knowledge of his peculiar position. If he has described it truly, they went in. He was asked to vote for them; he said, "By all means." He at once assented to vote for them; and there is no suggestion that he was a person who ever intended to vote for Smith and Hodgson, or otherwise than as he did, for Fowler and Eastwick. Then he produced his discharge, upon which I will not make any further remarks, because I stated yesterday in general terms what the effect of it was, and what the various certificates of officers under whom he had served came to. He produced his discharge, by which it appeared that he had left the last vessel in the navy which he was serving aboard, I think, in September of last year; and he states that if he had gone back within six weeks, and had re-entered, he would have been allowed the pay of the intermediate period, as well as been taken aboard again. He says he stated that at the time.

Now, his evidence has been carefully gone through, and that several times with reference to this question, whether anything passed at the time by which the Members, either expressly or to his thinking, promised that he should have those six weeks' arrears if he stayed and voted for them. That evidence having been gone through so often, I shall not go through it again, but at once express the result at which my mind has arrived; that it is clear, both upon Clarke's own evidence and upon the evidence of the Members and of Freston, that there never was any notion of paying him those six weeks' wages, either in their minds or in his. If they had promised to pay him six weeks' wages for the purpose of keeping him to vote at the election, that would have been such an inducement in fact, whether actively intended or not, as that it would have been impossible not to arrive at the conclusion that it was a bribe. I think it would have amounted to 6*l.*, if I collect rightly. If they had promised, it would have been as much as if they had paid; and therefore it was necessary to scrutinise the evidence, for the purpose of ascertaining whether my brother Ballantine was rightly instructed when he stated in the opening that the reason for Clarke coming forward to give information was, because he had not been recouped those six weeks' wages of which he spoke. It is quite clear now that he was misinformed, and I have no doubt his clients were misinformed; and very likely that is the reason why Clarke's case was pronounced of so much importance, and put forward in the

the second place in the opening. There was no promise at all; it is negatived by Clarke's own evidence; it is negatived by the respondent's evidence; and it is also negatived by Clarke's own letter, which was written after the election, and which shows what complaint he really did make.

I must say here, that I am not quite sure whether Clarke really did mean to go back for those six weeks at all; I am by no means sure that he did. Upon reading that discharge, I find it not to be what it was described, not I think by him (it must have been in the opening), as a "leave" from his vessel. It was no leave from his vessel at all. It was a clean discharge showing that he had given up his vessel. He was not bound to return, and no vessel was bound to take him back. I do not say that there was any conclusive reason against taking him back, but there was a reason, which any one looking at the discharge might see, why another man might have been preferred. I do not speak of any reason connected with his moral character, but of a reason connected with his physical defect; I am not at all sure that he really did mean to go back. I can very well understand his suggesting, with a desire to be considered, and to get something, that he was going to lose a great deal in the service of those who desired to have his vote. But that he really did lose it, or really did mean to go back at the time, I am by no means satisfied. But, as I have not to decide upon that, I pass by.

Now, he was employed after the canvass. The election came, the election went by, he made a complaint; he states himself what that complaint was, in his evidence. I think he stated it over and over again, and he said that it was, that he was not paid the wages for the electioneering week in which he had done nothing. His letter is, "Mr. Preston—I wish you, sir, to pay me my time last week, as I could not go to seek employment on account of the election. My week's wages is all I wish. If you do not comply with my request, I shall see further into it. Treat me as a man, I will act such; I have a family dependent on me. Sir, I will wait on you to-morrow morning." This is not a very comfortable letter, I should think, for anybody who had been concerned in an election to receive, because it is clearly the letter of a man who was angry with the Member, or with his agent, and who thought that he was wronged, and who therefore was very unlikely to keep back the greater wrong, and to put forward the less one. His wrong is that he had not been paid for the week of the election, during which he did nothing. I draw two conclusions from that, first of all confirming the fact, that he was not, as supposed, promised the six weeks' arrears in case he stayed, and I draw, secondly, the conclusion that the persons who employed him, employed him not colourably to pay him for work which he did not do, because the work which he did not do, even a week's work, 1*l.* worth of work, they declined to pay him for, at the expense of making him a hostile witness, and sending him into the enemy's camp to found this petition. And therefore I must look with considerable scruple at that which is suggested as having been colourable, as done in the interim, and is described as having amounted to a bribe of this man. What does it come to? Mr. Eastwick appears to have had a steamer. That steamer may be taken to have been, as was opened, either Mr. Eastwick's own steamer, or one hired by him for his own purposes. That steamer, I collect from the statements admitted, and from the evidence, was employed in taking him and his family backwards and forwards from this place to a place where he had a residence; and on board of that steamer he employed men who were commanded by a master named Hosking; and this witness Clarke, who of course would be an appropriate man to have on board a vessel, appears to have got employment there. He was a person who had pledged himself, as I think I have said already, if not, I must say it at the risk of repetition, to Messrs. Fowler and Eastwick. He is a person who is not shown to have given any promise, or to have had any intention of voting on the other side. Therefore he stands in respect of that intermediate employment, in the condition of a voter who had pledged himself to a side, and to whom employment was given on that side.

This seems clearly in reasoning to reduce the case of Clarke, although it is somewhat more complicated in the facts, to the same dimensions as the case of Behenna. It was said by my brother Ballantine that it ought to be concluded that there was a promise to induce him to remain. I have already said that I think there would have been more than that if the six weeks' wages had been paid. I think in that case there would have been a promise to induce him to vote point-blank. I feel rather unable to adopt the reasoning that he was paid to enable him to remain, and therefore that he must necessarily be taken, in point of law, to have been paid to induce him to vote, without applying a very much wider reach of argument to the case, and saying that every payment which enables a man to live (and to enable him to remain he must live, and therefore in a sense if he is paid to live he is paid to remain,) is a payment to induce him to vote. I cannot logically distinguish the one line of argument from the other. That only shows the necessity of not being over-subtle in distinguishing these cases of employment, the one from the other, and of determining a case where it is proved only that a man is paid fair wages for work, which was a manifest compensation for those wages, according to whether he was employed upon the condition of his voting for a particular candidate, in which case it would be bribery unquestionably, and within the second section, if such a stipulation and condition were made; and that, whether he was employed really or colourably, or whether the employment is of that simple and innocent character which I put in the course of the case, of a man having a large ship-building yard, setting up as a candidate for the place, and taking into his employment men whose services he really wanted, with-

Penryn.

out rejecting those whom he knew to be favourable to him, and who, he knew, intended to vote for him, which in my humble judgment it would be an abuse of language to call bribery. I have endeavoured to dispose of that. To put even a strong case; suppose that a man said, "Well, I really cannot vote for you; I wish I could, but I have to leave for the Continent this evening; I cannot stay and vote for you to-morrow, it will be so inconvenient to me;" and then the candidate were to say, "Well, the canvass-book shows so small a majority that every vote is of importance; your vote is of importance; do, pray, stay, and you shall have a bed at my house." Supposing that a candidate were to address that to some person in his own condition of life, and that he were to have a bed at the candidate's house, and to go up and vote for him next day, that would be putting a case upon which construction certainly might, with a perverse ingenuity, come to the conclusion that both he and the candidate were corrupt people; but I hardly think that that could have been said, supposing the candidate was a Tory, and that the person whom he pressed was Sir Robert Harry Inglis; or supposing that he was a Whig, and that the person whom he pressed was Mr. Byng. You must, in each case, look not so much to the literal terms which are used as to the substance and reason of the thing. I think that it would not be right or reasonable to hold that there was bribery in these cases, unless there was colourable employment, or a condition made.

Now, I come to the last case, and this certainly is one of a very peculiar character. Probably no judge sitting in this place will ever have to pronounce upon such a question again, because this is a case in which it is alleged that the experience of one of the most noble of professions was perverted and prostituted to the purposes of corruption: a case in which a medical man is alleged to have made use of his science to endeavour to cajole the wife of a poor person, afflicted with deafness and dumbness, into supposing that if she could influence her husband to vote in a particular way, he had the power and the will to say that the mouth and ears of her husband should be opened; but that if she did not get him to vote in that way, she might continue in her sorrow, and he in his affliction. Of course, if anybody did that, he did that to which I cannot imagine any judgment in this world adequate in proportion to its villainy.

The question is whether he did so? the question is whether Dr. Noye is proved to have endeavoured to induce that poor woman, Mrs. Truran, to procure the vote of her husband, and her husband to vote for Fowler and Eastwick, on the promise that if he did so the doctor would introduce him to an institution in which his deafness and dumbness might be cured or modified, and that she and her children should be looked after in the meantime. Now, I can hardly speak of this case with patience, because in proportion to the seriousness of a charge of that character ought to be the adequateness of the conviction which one must entertain to pronounce a verdict of guilt. What is the sort of person who is said to have done this? he is not said to be a quack; he is a man who understands his business, I presume; he is a person who has been in the medical profession for a series of years; and although his acquaintance with the London hospitals is (I hope he will forgive me if I use an expression offensive to him) somewhat musty, he was dealing with a subject which he understood; and notwithstanding the cross-examination which was properly administered to him, he adhered to his statement, and he explained intelligibly enough to those who have ever heard anything from scientific men upon the subject of deafness and dumbness, in what manner he examined the man, how he applied the test to know whether the deafness was desperate, and how he took an interest, as he said he did, in the man to ascertain whether his organs of voice—though from long disuse, as consequent upon their deafness, they were not as active as those of ordinary people—were capable of an improvement which might reasonably be expected or not. He found that upon introducing his watch into the man's mouth, the tick, though it could not be heard by the external orifice of the ear, was heard by the internal orifice, through which vibrations may reach the tympanum in another way. He found that the man could speak some few words, which showed that he had the power of producing articulate sounds; and upon that he proceeded, with that interest in a poor and suffering person which is not so uncommon in persons of his profession that it cannot be believed to be genuine, to suggest the means by which, in his judgment, the man's affliction might be modified, and he might be able to do better for himself and his family.

I have no doubt that Mrs. Truran intended to give a true representation of what took place. If she, with her husband, had taken so strong a side for Smith and Hodgson, that upon the bare appearance of the opposing candidates she at once announced that her husband was pledged to the other side, I can quite understand that Mrs. Truran, speaking with perfect honesty, but speaking with that extreme sensitiveness which I have observed in poor people at any approach to dictation or unfair dealing with them on the part of the rich, may have understood what the doctor meant in pure kindness and sympathy, and with a desire to exercise his profession, and his wish to speak kind words to either poor or rich who might come before him in the way of it, as being a trap for the loyalty of her husband as a voter. And I can understand that, without pronouncing any judgment against her veracity, or desire to say what she believes to have been the real character of the transaction, she mistook, for deep art and guile on the part of Dr. Noye, what he really meant in simple sincerity as being a kind speech to her.

I am not at all sure, I have no sufficient means of judging, but I rather think that since
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the time when the doctor practised, the means of dealing with patients of this description have been very greatly improved, and that they are applied now with a more special art, and in institutions other than that in which he practised; but if I am dealing with the sincerity of his motives, and if I am deciding a question of intention (upon which after all this must turn), am I, because I may have thought that he spoke not so wisely as regarded the election, or not so much to the precise point of the disease as a person fresh from the hospitals in London might do, therefore to suppose that he was guilty of the dishonest act of fraudulently trying to persuade a poor woman, by the prestige of his professional skill, that she would get a benefit which he knew that she could not get, or that he meant to hold that out as an inducement to her for her husband to vote.

Was what Dr. Noye did done in the course of the canvass at all, or was it merely said and done in the course of sympathetic talk by a medical man in discussing a case within the fair scope of his profession, and which attracted his kindly notice? It was with a view to determine that, that it became necessary to inquire for what purpose he went there. At one time, indeed, a suspicion crossed my mind that the doctor might have been taken there for the express purpose, and I was rather surprised that it had not occurred to somebody to ask that; but when the inquiry came to be made it turned out that there was nothing of the kind. He was not taken as the doctor of the expedition to practise upon the credulity of this poor deaf and dumb man's wife, he went there in the ordinary course of the canvass without expecting to meet such a case; but meeting it, and finding it within his experience as he thought, he proceeded to say and do what is imputed to him as bribery.

I have come to the conclusion that what he did was not done in the course of the canvass, but that it was done through his medical zeal and the sympathy which he really felt. Was there a promise conditional upon voting; that is negatived by the fact of her having at once stated that her husband was going to vote on the other side, and her husband did vote on the other side. Such an inducement, if really and seriously held out, would have been almost too much to resist, one would think, or at least would have had the effect, if it made the impression on her mind of being formal, of leading her to inquire further of the doctor. She never inquired further of the doctor. Did the doctor expect the vote for Messrs. Fowler & Eastwick? I believe he did not, and unless he expected it, or thought it likely that he could get it, I find it impossible to come to the conclusion that he did what he is alleged to have done in order to induce the deaf and dumb man to vote for Messrs. Fowler & Eastwick. I agree with what was stated by Mr. Giffard in the course of his summing up, that what was done had no relevance whatsoever to the canvass in which the Member was engaged; indeed, Mrs. Truran said that the Member had left, though the doctor thought not. I shall conclude this branch of the case by saying that this is only one of very many cases with which I have had to deal, in which persons have been brought forward as witnesses under circumstances in which I am perfectly satisfied that they had an honest belief upon their own mind, but in which I am equally satisfied that they were entirely mistaken, to prove that conditional promises of benefit were made to them in the event of their voting in a particular way. This case is within that class in which the persons brought forward as witnesses had always intended to vote, and did, in fact, vote the other way, and in which the misplacing of a word or the introduction of an "if" would make a matter a bribe, which, at the time, might fairly have been regarded as without any corrupt meaning on the one side or the other. It is one of the perils of canvassing as it appears to me (and the perils are numerous), that persons are apt to suspect that more is really meant than either the candidate or his agent said at the time. The natural prejudice of taking a side, and especially the losing side, makes people misrepresent to themselves afterwards the effect of what at the time really had no criminal purpose or object whatsoever.

I am thoroughly satisfied that this case of the doctor, which I fear I have not been able to speak of without emotion, considering the gravity of the offence which he would have committed, had he really been guilty, belongs to the class of such mistakes.

I am not aware that there is any other case which requires a remark. I think I must end as I began by saying that there has been a remarkable absence here of anything like the vulgar corruption suggested at some elections. There has been no undue influence suggested; there has been no treating suggested; and I am satisfied that there has been no substantial case of bribery proved.

The result is that I must determine, with respect to each of the Members returned at the late election, that he was duly elected and returned. I must further determine that no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election. And I must thirdly determine that upon the evidence before me, it does not appear that corrupt practices have, nor is there reason to believe that corrupt practices have, extensively prevailed at the election.

Mr. *Giffard*.] I presume that the costs should follow the event.

Mr. Justice *Willes*.] I do not think that there is anything to take this out of the general rule.

SALFORD ELECTION.

Salford.

JUDGMENT delivered by Mr. Baron *Martin*, 2 March 1869.

Mr. Baron *Martin*.] THIS is a petition which prays that it may be determined that Mr. Cawley and Mr. Charley were not duly elected, and that their election for this borough was void. The ground alleged is, that they, by themselves and others on their behalf, were guilty of bribery, treating, and undue influence. As I have already stated, it seems to me that that allegation is founded on the Corrupt Practices Act, and on two sections of the Act under which I sit. Although I have formed the opinion with regard to the general violence and rioting, that it does not amount to that which would invalidate the election, I also am of opinion, if it were intended to rely upon that, as affecting the election, there ought to have been an averment in the petition stating it. There is also a fourth head of complaint, that Edward Cawley and William Henry Charley did, by themselves or other persons on their behalf, hire, and engage, and pay money for, and on account of, a number of conveyances for the *purpose of conveying voters to the poll*, and which were used for such purposes on the day of the election in their interest. Now with regard to that matter, I have already stated that if I considered that allegation proved, I should reserve that point for the judgment of the Court of Common Pleas.*

This is the seventh petition upon which I have adjudicated, and I have acted throughout upon a principle, and until I am satisfied that it is erroneous, I shall continue so to act. I consider that the return made by the returning officer is a matter not to be impeached on light grounds, because that return establishes that a majority of the voters have selected the persons returned as the persons to represent them. But the Legislature has, in the Acts to which I have referred, enacted that if a candidate is guilty of bribery, or if a candidate is guilty of treating, or if a candidate is guilty of undue influence, from the moment that the act is done by him, or done by a person for whom he is responsible, from that moment his candidature ceases; it is at an end, and his *status* as a candidate is gone; he is incapable of being elected, and if he is elected, his election is void. That being the law, I think it is but right that when there is no general bribery, no general treating, no general undue influence but the bribery, and the treating, and the undue influence which are relied upon are what may be called isolated acts, and the separate acts of persons connected with the election, I think before an election can be set aside these acts or act ought to be proved to the entire satisfaction of the judge who is to decide. There is no doubt that it puts the judge in a position which is unusual. The duty of a judge in an English court of law is to decide upon the law, and upon a given state of facts; but here the judge is put in the position of a jury, and I think with regard to matters of fact he ought to act in the way that he believes an honest and upright jury would act. In my judgment he ought not to act upon surmise or suspicion, or because he may possibly have in his mind that there had occurred something that was wrong in an election. He ought to require evidence, and the material facts proved to him satisfactorily and beyond reasonable doubt. It is a different case where there has been general bribery, or where there is reason to suppose that general corruption, or corruption to a very considerable extent, prevailed. It is a different case where public-houses are thrown open, into which any person may enter and get drunk at his pleasure. It is a different case where persons possessing power and influence bring their influence to bear upon inferior persons who are subjected to this undue influence, for the purpose of coercing them and obtaining their votes. It is in this spirit that I have hitherto acted in considering these election petitions, and in this spirit I will continue to deal with them until I am satisfied by some higher authority than my own that I am wrong.

In respect to this particular case, no doubt there has been a great deal done of which I disapprove, and there are three circumstances to which I will call attention, which I think were wrong. But it is not because I think there has been wrong done in respect to these matters that I am therefore to require less evidence of the particular facts which by law are essential to upset an election. In many cases there have been Members whose returns have been petitioned against, and who had acted as rightly, so far as they themselves were concerned, as men could have done; they had desired to act rightly, and the acts by which their elections were sought to be avoided were done by persons of whom they had no knowledge, and over whom they had no control. But there have been several things

* *N.B.*—I omitted to state the reason why I did not state a case for the Common Pleas. I did so the following morning to the counsel for the Petitioners. It was that, after the evidence of Mr. Cawley and others, I could not state as a fact that the conveyances were hired for the purpose of conveying voters to the poll.

things done in this election which I hope will not occur again; for I do not at all know that, if I were to try an election petition in this town upon another occasion, and the same things were proved to have occurred again which I am now going to call attention to, my judgment might not be a different one. In the first place there was the hiring of roughs by Hall, and Kean the keeper of a beerhouse. What is the evidence with regard to that? Without the slightest ground, except upon the mere rumour that some of the Irish were expected to come and interfere with people going to the poll, which is one account; according to another account it was for the purpose of protecting Kean's house, and of taking voters to the poll from there; there were hired, a few days before the election, 12 men by the authority of Hall, who was authorised as is proved, not by his own account, for in his evidence Hall did not mention it, but by the evidence of Mr. Bradshaw, the secretary, who said that he authorised the sum of 18 £. to be paid to these men. The leader of them was a pugilist, a prize-fighter, and, according to his account, they only got 5 s. for one day, and that would of course make 3 £. for the 12. But according to the evidence given yesterday, 18 £. was authorised to be spent for that purpose. Again it appears that Kean's house was hired; and, in a house let at a rental of 19 £. a year, 5 £. was paid to him for a room for one day; it appears on the accounts that 7 s. was the ordinary price paid for rooms in other houses. I need not say that their being employed at all is a thing very much to be reprobated. Then, again, there is the allegation with regard to the hiring of cabs and carriages; it seems to me clear that the object of the Legislature was to prevent the using of hired carriages for going to the poll. Rightly or wrongly, that is considered a thing that ought not to be done, and the Legislature has made the most ample provision for having the polling-places within every man's reach, and I venture to say that, except in few instances, there was not a man in this town who could not have recorded his vote by a walk of 10 minutes from his house to the polling-booth. We have heard from the mayor how many polling-places there were, and the provision was such that any man, at least any man in health, could, without the slightest inconvenience, have gone to the poll without having anything to do with cabs or carriages; but what is the evidence? I am now speaking from the evidence of Mr. Cawley himself; and, according to him, the employment of these cabs was a matter of discussion; it was doubted whether it was legal; but it was done for the purpose of conveying messengers or canvassers communicating the state of the poll at the central committee-room, and thence to the different parts of the town where the numbers were exhibited; and also, that the cabs were to be used by the canvassers, who were to drive to the place where a voter was supposed to be; that then he was, I presume, to get out, and that he and the voter were to walk together to the polling-place, the cab I suppose accompanying them alongside. What was the number of cabs employed for this purpose? 72 was the number, and at an expense of upwards of 160 £. Is it possible that it was necessary in this town (which is large no doubt) to have 72 cabs at an expense of 167 £. for the purpose of messengers carrying the state of the poll from one place to another, or to send for voters who had not come up to vote. But that is not the only thing; we have it from the evidence on behalf of the Respondents, in the evidence given by Dr. Stocks, that on the Saturday before the election, he had hired six beer-shops as committee-rooms; those beer-shops were well known, and would be advertised as committee-rooms, and without speaking of treating, and without saying that beer was furnished in those houses at the expense of the candidates, look at the temptation to people who had votes, to go into these beer-shops where the candidates, for whose return they were anxious, held their meetings, and which were placarded with their bills; these were places which would present a strong temptation to the voters for Messrs. Cawley and Charley to go in and drink, either before or after they had voted. What was the result? There is the evidence of at least a dozen persons of respectability, and one of them produced his book, containing memorandums made at the time, from which it appeared that a number of voters came to the poll in a state of drunkenness that was most disgraceful; and that has not merely been proved by the witnesses for the Petitioners, but it was confirmed by the evidence of Mr. Hewitt, who was called yesterday by the Respondents. He stated that a man came to him to vote, who was so drunk that he was obliged to send him back; I sincerely trust, that before another general election takes place, steps will be taken to prevent a recurrence of these things; I have mentioned these three matters, because they appear to me to be wrong and improper, and to persons who were desirous of conducting the election according to law, and to avoid doing anything whereby persons should be induced to give their votes, otherwise than as their own inclinations dictated, I can well understand how mortifying it must have been to see their opponents carrying on the election in such a manner; it must be a most mortifying thing to any person who is carrying on an election to the best of his ability, honestly, and purely, when he sees his opponents having public-houses used in this fashion, having cabs driving about the town on the day of the election, and having roughs engaged in the manner in which it appeared that James Price and others were engaged; these are matters connected with this election, and I am far from saying that a judge, sitting as I am upon the same state of facts, might not draw, upon another occasion, a conclusion different from that which I am prepared to do on the present. These are matters to be observed upon, and I say that it is the duty of every respectable man in this town to set his face against these things, and endeavour to prevent them occurring again.

With regard to matters more immediately affecting the case, there was the evidence

Salford.

given yesterday, with regard to general rioting in the town, and I do not entertain the slightest doubt that every gentleman on both sides who gave evidence as to the rioting, gave his evidence honestly; I believe what they said they had seen done; they had no doubt seen different parts of the town, and perhaps might see things in different lights. I have already said, before an election can be vitiated by reason of general riot and violence, it must be such as to affect the freedom of election; now freedom of election is two-fold; in the first place it is that every man ought, without influence being brought to bear upon him at all, if it were possible, to exercise his own judgment and discretion in selecting that candidate who he believes is the best; the freedom of election in another sense is, that every person who has the franchise ought to be at liberty to go, and have the means of going to the poll and giving his vote without obstruction, and without fear or intimidation; to set aside an election on that ground there is a fact which must be established, and that is, that persons possessing the ordinary nerve and courage of men, have been prevented from going to the poll to record their votes; that being so, I think that the allegation fails in proof, and I also think it fails on a technical ground, viz., that it is not alleged in this Petition.

With respect to treating; I will take the treating, as both the learned counsel have done, first, and see what the evidence is with regard to it; for the purpose of affecting a seat, I must be satisfied that the candidate by himself, or by an agent for whom he is responsible, has violated the fourth section of this Act of Parliament. With respect to general treating, it is only alleged to have taken place at three public-houses, and I think it has been explained in all. In the first place I am of opinion that Kean was not an agent; the evidence of Hall and the other evidence upon this matter was not such as to satisfy me that Kean was a person for whose acts Messrs. Cawley and Charley were responsible; my view of the law would go quite as far as that of Mr. Justice Blackburn, but the only evidence I have is, that his house was hired for what I consider was an exorbitant sum (5*l.*), and after that by an arrangement between him and Hall the roughs were hired, but I am not of opinion that that constitutes any agency between Kean and the sitting Members, so as to affect their seats by his acts.

In regard further to the treating at Kean's, there have been a number of persons, I believe more than 10, who swear to the treating having gone on, and they have given many instances of persons being treated, who have, however, come forward and denied it; that is a thing to be expected; it may be that those people, who would sell themselves out for 5*s.* to commit violence against any persons who happened to be opposed to them, may be telling the truth, or what they believe to be the truth; and when we hear, as we have heard from Mrs. Kean, that there was 5*s.* given by her daughter to be spent for treating, and that 5*s.* was to be given by her sister for the same purpose, it may be that beer was given there; but the answer to that case is that Kean has not been proved to have been an agent of the sitting Members, so as, by his acts, to affect them.

The next case was that of the "Yew Tree," and that is a case no doubt of a suspicious kind; evidence was given, and with regard to the evidence of Roberts, and of the two Ellises, I do not think it comes to much; but the evidence given by Collinge was strong, and if it were true it would, in my judgment, be fatal to the sitting Members. I do not, however, believe it is true; I cannot believe that Dr. Stocks or Mr. Leech have perjured themselves as to this matter. Dr. Stocks had been active in the election, and he must have known, as all persons, I presume, connected with elections know, that treating on behalf of a candidate affects his seat, and affects his capability of being elected. Collinge's story was that he went to Doctor Stocks, and told him the expression he used was, that he had been humbugged and pressed for beer; that they had been bamboozling him for beer, and he swore that Doctor Stocks gave him authority to give to those persons beer, only telling him to be careful about it; now, I think it is very unlikely that Doctor Stocks would have done that, he seemed to be a man of intelligence, and, no doubt, a gentleman of respectability; and he swears that he did not; again, Mr. Leech, who was there, gave strong evidence to the same effect. He did not hear the conversation which passed between Doctor Stocks and Collinge, but he heard that which was quite consistent with Doctor Stocks' evidence, but which was quite inconsistent with Collinge's evidence. I do not at all deny that the bill which was produced is strongly in favour of Collinge, for there is a statement in the bill that a certain quantity of beer was paid for, 9*s.* 6*d.* worth of beer; however, both Dr. Stocks and Mr. Leech swear, and Dr. Stocks especially swears, that he objected to that bill, and that he objected to that item, and that it was not paid by him or by his authority. I expect that the real solution of it was, that Collinge did probably supply beer in treating, thinking that he would be afterwards paid. He asserted that he had expended more than 5*l.*, and it may have been so; that was his statement, and it may have been that he did press, not upon Dr. Stocks, but upon some other persons connected with this election, the hardship it was upon him after he had actually supplied the beer, expecting to be paid for it, and that some person gave him the 9*s.* 6*d.* I therefore think the evidence of the respondents counterbalances the evidence on behalf of the petitioners with respect to the "Yew Tree."

The next matter was that which occurred at "No. IV.," that is Mrs. Hulme's, and that seems to me to be explained as easily as possible. I think the witnesses on both sides have been telling the truth with regard to it. Mrs. Hulme was directed upon the Friday to provide

provide refreshment for a very considerable number of people, and she did so; but the person by whom the order was given, I suppose, had been advised that it would be dangerous to allow so much refreshment to be given at a public-house, and thereupon he went and countermanded it. Mrs. Hulmes very naturally said, I have provided the provisions; I have bought them, and it is very hard upon me; and not merely was it very hard, but she would have been entitled to have acted upon her retainer, and to have enforced payment. The gentleman who gave the order, whoever he was, may very well have said, "You shall not be a loser by it; you shall be indemnified against loss," and, accordingly, she told you that she sent in a bill, not in respect of the number of tickets, but charging, as against him, the expense which she had been put to in making provision for the entertainment; that is a very natural thing, and with regard to that, it is impossible for anyone to arrive at the conclusion that the paying of that money was a corrupt act; it was a natural act, and a reasonable act, and such as any person would do. I expect that if Mrs. Hulme had sued in the county court in respect of the money which she had expended, or for damages for the breach of the contract made with her, she would have recovered. I daresay the witnesses who were called as to what took place in her house may honestly enough have told that they went there, and that she likely enough, for the purpose of getting rid of them, gave them some beer; I can very well understand that, with the state in which this town was, Mrs. Hulme or anybody else would be glad to get rid of people who were wandering about the town half drunk by giving them some beer, and they may have supposed that she was giving it on behalf of the candidates. I think this is a reasonable and the true explanation of this matter.

Then with respect to the only other treating which the learned counsel have referred to, that is to say, of Robertshaw, who was alleged to have been treated by Mr. Sutcliffe, Mr. Sutcliffe was called yesterday, and he says it is quite true that he went to Cook-street, where Kearney's house was, and that he headed a number of voters (he said 12 or 15) to the poll, but that there his connection with the matter ended, and it was the order to give them beer, which was supposed to be done by Sutcliffe, which was to affect the candidates. But he says, "I did not return; it is a mistake, if it is not false swearing, to say that I returned, for I stopped in these rooms" (where this court was sitting). But it appeared that the men did all go back to Kearney's, and thereupon a man, who was described yesterday as a baker, directed beer to be given to them. I suppose that a man in the dress of a baker did direct beer to be given to them in respect of their vote, and it may be that men having seen Sutcliffe leading the men up may have supposed that he came back and ordered the beer. I should not impute to the man who gave evidence upon that point wilful perjury, but Sutcliffe has given an explanation of it, and he is confirmed by Sutton and Kearney, who was the person who kept the house, and therefore, I think that that falls to the ground.

The only other head of treating which occurred to me is that to which neither of the learned counsel have referred, and that is the treating of the men who were in the cabs; I am satisfied that that took place. There were men brought in those cabs who were voters, and the course which was pursued proves that that was known to be wrong, because, instead of driving straightforwardly up to the poll, the evidence is that the cabs stopped at some distance from it, and that the voters then got out and walked the rest of the way. I cannot doubt, that there were some persons who well knew that the bringing those voters was wrong, and that it was colourable, getting them out before they came to the poll for the purpose of pretending that they were not brought in the cabs. It is proved by a variety of evidence, which I have not the slightest doubt is true, hearing of the state of drunkenness which existed in this town, that those cabs pulled up at public-houses, and voters got out and had beer; but nevertheless, in my judgment, it would be impossible, without further evidence, to hold that that was corrupt treating. You must take into consideration the character of the people, and their habit of treating each other with beer, and that they do it out of a generous or a kindly feeling, it is a common and a usual thing, and I certainly am not prepared to hold that because a canvasser in bringing a man up to vote upon the day of election stopped at a public-house, and went in and had a glass of beer, that that was corrupt treating.

These, I believe, are the whole of the cases of treating, but I should be very sorry that it should be supposed by anyone that I at all approve of that which appears to have been done at the late election here. I sincerely hope that the Legislature will interfere before another general election to make the thing impossible. But, however, it is one thing to disapprove of that drunkenness which appears to have existed in the borough during the election, and it is another thing to find that the treating was of that character which would affect the seats of the Members.

I will now take the case of Mr. Moss, and it strikes me that that case fails. The evidence that was given on behalf of the Petitioners was simply evidence of what Broadhurst said, and if that case had been the only matter proved in this election, I apprehend that Mr. Holker would with perfect propriety, at the end of the petitioner's case, have called upon me to say that there was no case; that there was no legal evidence upon which I could act for the purpose of making Mr. Moss's supposed act an act that would unseat the Members. But that course could not have been taken, because there was much evidence of another character which required to be dealt with; and Mr. Holker could

Salford.

take no other course than that which he did. But Mr. Moss is called, and I must take Mr. Moss's evidence to be true, for I have had nothing at all to contradict it. Nor do I believe that Mr. Moss did not tell the truth about the matter. Mr. Moss's evidence is this, that he was an active partizan and chairman of one of the committees for Messrs. Cawley and Charley; that he had a number of men employed in his mill, and that they held different political opinions; that some of them supported one set of candidates, and others supported the other; he swore that he never interfered with them in regard to their votes, and his foreman, Broadhurst, swore the same; but upon the day of the election, a number of his men were absent from their work; and Mr. Moss did take the opportunity of employing several of them for the purpose of aiding him in the election. If there was any employment of the men, certainly it would look as if there was not much labour involved in it, for the old man who was called only went to bring one voter, which was the extent of his labour during the day. But I cannot think that the payment on the following day, without any previous contract, of the men who voted for the candidates of whom their master was in favour, of their ordinary day's wages at the mill would be a corrupt payment, and it would require to be a corrupt payment for the purpose of affecting the election. It is not like a payment before an election, which the law fastens upon; but being made after, it must be made out to be a corrupt payment. I am satisfied that no jury who desired to decide between the parties honestly would find that it was a corrupt payment, or anything like it.

With respect to Boyd's evidence, the case fails. The man said he was at a certain place with a carriage, that he wanted to go and vote for Messrs. Cheetham and Rawson, and that some man that was there, said, "You shall not be paid the 5 s.; you shall not be paid for the cab if you go and vote." I do not know that the man may not have said that, but I cannot say that that is an act which can affect the election.

Then come the cases of bribery; and with regard to that subject, I have taken considerable pains to go through the evidence for the purpose of ascertaining the cases in which bribery is alleged. The cases are these. The first was the case of Greenhalgh, the man whose wife was said to be deprived of the washing of Kean's family if he did not vote for Messrs. Cawley and Charley. Three witnesses have spoken to that; it turns out, in point of fact, that the washing has been taken away. Kean said that it was not in consequence of this, but of her being a woman of dirty habits or something of that sort, and that that was after the election. However, I think it is useless to enter into any discussion upon that matter, because, as I have already said, in my judgment, Kean was not an agent whose act could affect the sitting Members.

The next case was that of Samuel Crossley; and with regard to him, there is really no evidence. All that was proved was that *he said* he had got a pint of beer for his vote, and that he would vote for any person that would give him another. But there is no evidence that he got that pint of beer, and therefore the case fails for want of evidence of that which is the substratum of the charge, that is to say, that the beer was given to him for the purpose of influencing his vote.

The next case, that of Botham; that was the cabdriver who alleged that he heard a conversation take place in the shop of a tradesman named Millington. In the first place, no money was paid, and one ought to be very careful indeed of unseating Members upon an offer of bribery. The actual giving of money is one thing, but conversations of offers of bribes are dangerous things, because you never can be satisfied that you get the conversations truly. It may be that this cabman is telling the truth, because such a thing may be very easily said. This man was very ill, and I can conceive a man saying, "Well, I would not go to the poll for 30 l.," especially when it turns out that he went away from his own house near the poll, in order to be removed from the disturbance, and I can understand another man saying, "Well, it shall be 40 l. if you like," neither meaning to bribe at all. It is an expression which a bystander might very possibly misunderstand, and suppose that it had a meaning which it really had not. I think that that case also fails.

With respect to Kennedy, who was alleged to have been bribed by Mr. Balderstone, I disposed of that yesterday, for upon the evidence of Kennedy himself I do not believe there was evidence to go to a jury that that was a corrupt payment. If Mr. Balderstone was correct, it was not; it was 5 s. given in charity to a man who was in very great want, and that would not be bribery. But at present I entertain the opinion which I expressed yesterday, that Mr. Balderstone, being a committee-man or a district chairman, and being a canvasser, his agency for the purpose of affecting the sitting Members, terminated with the election. He was not a person authorised to make any payments subsequently to that, but he was a person who was employed for the purpose of the polling day and the canvassing; he was employed for that, and for nothing else. I think also the act must be done by the canvasser anterior to the election, otherwise the consequences, as Mr. Holker pointed out, would follow that a perfectly honest and pure election, of which upon the return nothing whatever could be said, might be affected by an act done the following week by an indiscreet person, who having been employed in the election, might make a corrupt payment. I cannot think that a corrupt payment made by a person who had been merely a member of a committee or a canvasser, and made after the election, and without the privity of the Member himself, could affect the election.

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The next case is that of McCabe, and that again is an offer. As I have already said, such offers ought to be looked upon with very great care before they are allowed to affect a seat. Mellor has sworn most positively that nothing of the kind occurred; and for the purpose of unseating the Members, I should require confirmation of McCabe's evidence as against Mellor's. The other case was that of Rearden, and that was what took place between him and Singleton. It seems to me that that also falls to the ground, for the reason that Singleton was not an agent at all; that was proved clearly by Mr. Wyld, who stated that he did not know Singleton; and certainly he was not employed as a canvasser, Mr. Wyld produced the list of canvassers; therefore I take it that probably Singleton was some zealous partisan. I daresay that what was represented by Rearden to have taken place may really have taken place, but that would not affect the candidates, because to bring it within the section of the Act of Parliament there must be agency.

The next case is Leisch's case: I cannot but believe that the account given by Williams is true; he seems to have been a man in poor circumstances; and the supposed bribery was giving him 6 *d.* to go and buy some beer, as he said, for some voters. The Respondents called five gentlemen to contradict him; I believe the money given him was in charity; and that those gentlemen were telling the truth.

Now there remain three cases. I very much disapprove of some conduct which took place at this election, but the whole of the money alleged to have been spent in bribery amounts to 2*s.* 6*d.*, and one would be sorry that bribery to the extent of 1*s.* to one man, and 1*s.* to another man, and 6*d.* to a third, would upset an election; that would be a thing, as it seems to me, which would bring the law into ridicule. If in a case where great expense was incurred I were to say that because an imprudent man, and not the Member himself, gave 1*s.* to one man, and 1*s.* to another man, and 6*d.* to a third, that was to affect the election—I am now speaking of single isolated acts; I am not speaking of cumulated acts—but if I were to upset an election for single acts such as these, and such sums as these, it seems to me, that the law would be brought into contempt and ridicule.

With respect to Michael Welsh, I believe that that man spoke the truth; the three witnesses who were called yesterday, all three gave a contradictory account. I have no doubt that they were persons who discovered, since the election, that they had done a foolish thing; and they came here not very well recollecting what it was; not that they meant to perjure themselves about the matter, but that they came here not knowing very well what took place, and therefore they gave different accounts the one from the other; foolish it was, undoubtedly, but they swore that it was merely given to pay their footing. All of us, I suppose, have been asked to pay our footing, and I do think that I should strain the matter if I were to hold that a shilling given under such circumstances was a bribe; it was an indiscreet and foolish act, but I should be overstraining the law if I held these seats to be vacated by reason of a shilling given under those circumstances.

The next case is Michael Carroll: I believe every word that Michael Carroll, and Catherine Carroll, and the other witness, Tolbin, said; I am sorry to say, that I do not believe what Chapman said. There are two or three matters connected with the evidence which show that their evidence is correct; for the woman and the man, and indeed all three, swore that Chapman said that they were to go up the next Tuesday morning; it was the day of the polling, when the services of the man were likely to be required, and then he was to get a job, or get a "shop" as they called it; I am satisfied that those three people were telling the truth, and that the other man did not tell the truth with regard to this matter, but that he did act as he was represented to have done. What took place was this: Chapman, was coming out of a public-house, and Mrs. Carroll was standing at her door, and she asked him to treat her, according to the account given by both of them; thereupon he gave her 1*s.* to go and get some gin, and then he went into the house, where he found Carroll, and thereupon the two entered into a discussion upon the Irish Church. It was 12 o'clock on Saturday night, and it is stated that this man said that he would give Carroll some employment if he would go up on the following Tuesday. I have no doubt that that took place, but it was a mere offer, and it never was carried out. I think that it would be straining the matter a great deal too far, if I held that a shilling given to a woman for the purpose of treating her was to be considered a bribe to get the vote of the man. Although I believe what those people say is true, I do not draw the inference from it that in point of fact Chapman had authority to give the employment, or that it affected Carroll's vote, for the woman said, "No, you shall not get his vote; it would be against his conscience; he shall not do any such thing; he shall vote the other way;" I do not think that that can be held to be bribery.

The other case is that of John Reece. I believe the Reeces; I think that they told the truth; Thompson says he was afraid of them, and that he gave them 6*d.* because he was afraid that they would not let him out. He had got into a dangerous house, in a rough neighbourhood, and he gave the sixpence for the purpose of getting out of the place. I think that those people told the truth, and I will tell you why, because they both thought that the man's name was Whittaker. Whittaker was the person who had been canvassing in this neighbourhood, and I am satisfied that he told them to go to Whittaker

Salford.

upon the polling morning and try to get employment from him, and that is the reason why they supposed that his name was Whittaker, and why they persisted in it until they found that the man was not Whittaker but Thompson. They only had that sixpence, and I think that I should be bringing the law into ridicule if I were to hold that giving sixpence, under the circumstances, was to invalidate the election.

I think also that the offer of employment fails, because it was merely telling them they were to go to a man and try to get it, that is what it really was. If anything was said about employment, he said to them "You are to go on the morning of the poll and inquire for Whittaker, and probably you will get it;" I think that that is what it really amounts to.

For these reasons I am of opinion that the specific objections which must be established for the purpose of bringing the case within these three sections fail, and it is my duty to determine that these gentleman, Mr. Cawley and Mr. Charley, were legally elected and returned, and so to report to the Speaker.

The only other matter with which I have to do is with respect to the costs, and I certainly think that costs ought not to be allowed in this case.

SLIGO ELECTION.

Sligo.

JUDGMENT delivered by Mr. Justice *Keogh*, 24 February 1869.

Mr. Justice *Keogh*.] IN this case of the Petition of Michael Foley, petitioner, and Major Knox, the sitting Member for Sligo, respondent, I have given the voluminous evidence the best consideration that I could command. It is a case requiring the most serious consideration. There has been an immense mass of evidence given on both sides. I think there have been more than 80 witnesses.

Before I open the charges in the Petition, I wish to refer to one or two observations which were addressed to me by the very able counsel who represented the sitting Members. My attention was called to the decisions of two eminent judges, one of them in Ireland, and the other of them in England. One was the decision of my brother O'Brien at the trial of the late Londonderry Petition, and the other was that very able and comprehensive judgment of Mr. Baron Martin at the trial of the recent Westminster Petition. I have considered those judgments, and I see no reason to dissent from any position that has been laid down in either of those cases; but all these cases must be looked at, and all the rulings of Judges, by the light of the particular facts; and, as I said before, it is quite heedless to quote an isolated passage from the judgment of any learned judge without having before you, and weighing deliberately, the facts upon which that observation has been made. I quite concur in what has been said by Mr. Baron Martin, that this is a very stringent and penal Act of Parliament. I do not go into the question at all, as to whether it is right or whether it is wrong, that this tribunal should be created. Every good subject, not to speak of the Judge upon the bench, is bound to respect the will of the Legislature. The Legislature has created this tribunal; it is my duty to proceed to the trial of these election petitions. I have only to administer the law. It is not for me to consider whether the law is right or wrong. In fact, I am not allowed to consider any Act of Parliament as being wrong; so long as it is upon the statute-book I am bound to obey it. But I concur also in the observation that was made by Mr. Macdonogh, that an Act of Parliament of this nature, inflicting such severe penalties upon any person who may be found guilty of the offence of corrupt practices at elections, ought to be administered with the utmost possible extent of judicial caution; and I have, in considering this case, weighed, to the utmost extent in my power, every one of these charges; the evidence in support of them, the evidence combating that evidence, before I have allowed myself

to

to arrive at any conclusion. But then I must say that, once the evidence is presented to my mind, in a way which ought to command me to arrive at a conclusion, I have no prerogative of pardon. I have no authority to be, as it is said, merciful. That is not my privilege; nor should I be turned away from the discharge of my duty, no matter how painful that duty may be, by sympathy for any individual whatsoever. There are two interests involved in all these things; the one is the matter at issue between the parties; there is another interest which is not to be neglected in these cases, and that is the interest of the public. If I were to assume the prerogative of sympathising with, and being merciful to, individuals, I must neglect the public interest, and I must forget my own duties. That I cannot do.

Next, an observation was made by the learned counsel that the evidence ought to be strong, very strong, clear and conclusive of agency, before I would allow myself to attach the penalties of this Act of Parliament, such as they are, to any individual: I agree in that. The law allows you to prove acts of bribery before you give evidence of agency; but it was never contemplated that an individual should be charged with the consequences of acts of bribery until, at some period of the investigation, agency was brought home; but it was altogether a mistake, both in law and in fact, to think that you can depute individuals to do certain things, or that they should take upon themselves to do certain things with your sanction, and that you can escape the consequences of their acts by afterwards stating,—whether or not upon oath, whether truly or untruly,—that you did not contemplate those acts being done when you gave the authority which constitutes agency. Agency is a result of law, to be drawn from the facts in the case, and from the acts of individuals, and it is not by what a principal tells me upon the table that he intended to do, that I am to construe the question of agency; but I am to decide that question and the question of intention itself, not from the words of an individual now, but from what I conceive to be the natural and necessary consequence of his acts and words at the time he gave any authority. If it were otherwise it would be open to any man, if he was a man of good character and of unquestionable reputation, to tell a particular individual to go forth and be his agent; afterwards to come up upon the table, when that agent had transgressed all moral duties, and to say, “I never intended that he should do anything wrong, all I intended he should do was what was legitimate and lawful.” It is not what he intended, as he explains it here, but it is what authority did he give, and did the acts of the person so authorised, legal or illegal, naturally follow the authority which was so given.

Having made these observations, I approach the facts in the case. It is said that there was no committee in this case; that there are great difficulties of seeing what was done; that much is dependent upon conjecture; that the acts of the parties not being disclosed in evidence, I can draw no conclusion unfavourable to the sitting Member from anything that appears suspicious in the case; I agree in that. No matter how the clouds of suspicion may thicken around the head of the sitting Member, I am not at liberty to act upon suspicion. Unless I can see clear and distinct evidence, not only of the *corpus delicti*, but of the agency, on this Petition and on this inquiry as presented to me, the sitting Member's seat ought not to be imperilled. But I lay down this proposition most distinctly, that no sitting Member can guard himself against the consequences of the acts of agents, if once they are proved to be agents, by coming before the court and swearing, even though he may convince the court that he is swearing truly, that he never intended that anything illegal should be done at the election. A common and familiar illustration occurs to my mind: the wherry-man upon the river does not arrive one moment the less certainly at his destination because he happens to be rowing one way and looking another.

Now, I come to the Petition: the Petition charges that the election was holden on the 19th of November, and that before, during and after the said election, the sitting Member, Major Knox, by himself and his agents, directly and indirectly, did give, lend, and agree to give and lend, and did offer and promise to procure, and endeavour to procure, money and other valuable considerations; also offices, places, and employments to and for divers persons having votes at the said election, and to induce the said voters to vote or to refrain from voting. The next clause of importance, the fourth in the Petition, is that Major Knox did, by himself and his agents, and persons acting on his behalf, pay or agree to pay, or promise to give monies to divers persons on account of the conveyance of voters who voted at the election, contrary to the provisions of the statute. That charge there has been no evidence whatever to sustain. The fifth is that Major Knox, by himself and by others, corruptly gave and provided, and was accessory to the giving and providing, meat, drink, entertainment and provisions to and for divers persons having votes at the said election. That charge I do not think there is sufficient evidence to sustain. The sixth charge is, that the said Major Knox did, by himself and his agents, and by other persons, directly or indirectly, make use of, or threaten to make use of, force, violence and restraint, and inflicted and threatened the infliction of injury, loss, damage and harm, and did in divers other ways practise intimidation on certain persons having votes at the said election, in order to induce or compel such persons to vote or refrain from voting, or on account of such persons having voted or refrained from voting at the said election, and did, by abduction, devices and other fraudulent devices or contrivances, impede, prevent and otherwise interfere with the free exercise of the franchise of divers voters, at the said election, and did thereby compel, induce and prevail upon such voters to vote or to refrain from voting at the said election. There is a scintilla of evidence to sustain that charge; but it is not one upon

Sligo.

which I should act. There is the evidence of one voter who is named Henry, who says that Thomas Leonard did draw out a revolver-pistol and threaten a man if he did not come down immediately to Mrs. Hall's, the night before the election. There is also the evidence of a voter who says, that he being a tenant of Mr. Stokes, Mr. Stokes did threaten him, that was I think at the revision, that if he registered his vote he would turn him out of house and home. But, on the whole, although there had been great mob violence at the election, and partially on the side of Major Knox, as I shall by-and-by mention, I do not think there is anything like special evidence to sustain that charge of undue influence or intimidation; I do not think any sufficient case has been made against Major Knox on that head; as to the seventh clause, which is as to the disqualified voters, that was abandoned, therefore the whole of this case comes back to the one charge in the Petition, and that is substantially, that under all the clauses in the Act of Parliament, bribery was committed; bribery as defined in the different Acts of Parliament, and to that now I proceed to apply myself.

Before I enter upon the evidence, I will just say a word as to the state and condition of this borough. Mr. Macdonogh opened the case of his client by stating that Major Knox indulged the Sligo people with public sports; that he knew and cultivated their tastes; that his purse was open to those who were entitled to charity; that he always had every poor man's story in favourable consideration; and he put forward that as the real explanation of all the acts of Major Knox, and that nothing at all was traceable to any corrupt purpose. He seemed, too, to say that Major Knox would be shown on the evidence to be clearly and distinctly the chosen of the electors of Sligo. Now, the constituency of Sligo, as shown on the register, amount to 520 in all. Of these, Major Knox secured the suffrages at the election of, I think, 241; and Captain Flanagan 229. There were 50 voters unpolled; and I do not think that that is unworthy of consideration, when I come to the way in which the Petitioner seeks to establish his charges against Major Knox. It has been properly stated that a tenth of the whole constituency remained unpolled. Now, that is not like a case in which a constituency had been registered some 12 months previously, in which parties may have died off; but it is a case in which there had been an active contest at the revision which took place immediately before the polling. We all know that the last revision was a special revision, and took place at the latest period possible before the time of the election itself. Consequently, these 50 having refrained from voting, the majority at the election for Major Knox was 12, and 12 only. It was truly said yesterday by Mr. Palles, that if you abstracted seven from Major Knox's poll, and gave them to Captain Flanagan, Captain Flanagan would have been returned. It is equally true, that if 13 more out of the 50 unpolled had voted for Captain Flanagan, he would have been returned, and not Major Knox. Furthermore, it appeared in evidence—I am not now speaking of specific charges of bribery—that a person of the name of Harrison did not vote at all. There was a man examined here. I think his name was James Gray, who was in the admitted pay and employment of Major Knox, and he was asked whether he was not under a charge of assaulting and threatening Harrison, the voter. He said he was, but he was not guilty. To do away with the effect of that, if there was anything in it, he was asked whether that voter had not voted for Major Knox. He said he did not; he did not think he had voted at all, and the fact is so, for I have referred to the poll-book, and Harrison, so alleged to have been assaulted, did not vote at all. Secondly, a person of the name of Dolan did not vote at all, and he had unquestionably received—I shall not now dwell upon the particular time—but he had received from Mr. Utrid Knox, the cousin of Major Knox, in two distinct payments, the sum of 16 l. Kearns did not vote at all. I do not think the case attempted to bring home bribery or intimidation has succeeded as against Kearns; but it is a remarkable fact, that whilst Kearns swears here that he had intended to vote for Major Knox, and he was in the hotel opposite the court-house where the voting was taking place, he did not vote at all. There are two Kearns mentioned in the case. The one I mean is he who was examined on behalf of the Petitioner. Then the two McMullens did not vote at all. They could not have voted, because it has been made as clear as anything can be which is not exhibited to your own eyesight, that these two McMullens were spirited out of this town by the machinations of some persons whose names are not disclosed, and that the ultimate work of removing them from the town was carried out by Mr. Stokes, who admits that he hired a car for the purpose of taking them before dawn of day to Bundoran, which is 20 English miles from this town, that he provided this car at his own expense, and for once he was frank. He said he did that for the purpose of forwarding the interests of Major Knox at the election. I shall have to recur again to the case of the McMullens, but I am now speaking of what the general features of the election were. Still more, a person of the name of Gilmore was advanced a sum of 5 l. or 6 l. by Mr. Utrid Knox, he, too, being a voter. Some two or three other persons who are not named also had loans or advances of money from Mr. Utrid Knox. Whether they voted or did not vote, I am not prepared to say. I cannot say, because their names are not disclosed, but it is not difficult to see that these transactions had influences upon the voters. There cannot be a shadow of doubt that in the case, at all events, of the McMullens some corrupt practices had the result of preventing them voting for any one at the election. But if in the cases that I have mentioned the voters were corruptly influenced, and if such corrupt influences prevented the parties from voting, or induced them to vote, it is easy to see that, removing those influences, the result of the election might have been, and in all human probability would have been, different.

Now,

Now, the first time that Major Knox comes into connection with this borough is important. Of course it is not necessary to refer to his family connections with the place. Major Knox, by every personal qualification, was entitled to seek the representation of any constituency, and I have no doubt at all would honour them by his abilities. His education, and his family, justified him in aspiring to the position of a representative, especially in this part of Ireland; but the first time he is brought into practical contact with the constituency of Sligo was in the year 1867, I think he said in the commencement of 1867, when a requisition was forwarded to him by certain parties representing the Conservative interest in the borough of Sligo. The names of these parties are not disclosed, except so far as we may collect some of them from the answers given by Major Knox to the questions that were put to him as to the persons he visited on first coming to Sligo; and amongst those persons he mentioned Sir Robert Gore Booth, whom he did not see; Mr. Olpherts, whom he did see; Mr. Wynne, of Hazlewood; and then he spoke of those in the town, and he mentioned Mr. Cherry, and it was afterwards proved that he saw Mr. Cherry a couple of days after he arrived there. He mentioned other gentlemen, Mr. Henry Lyons, Mr. Woods, Mr. Williams; and I call attention to these names, especially Mr. Woods, Mr. Williams, Mr. Cherry, Mr. Lyons. I think it may be fairly assumed that these gentlemen were amongst those who solicited Major Knox to come to Sligo. He is introduced to some of the constituency, at all events, as the probable candidate in the event of a vacancy. Then comes in the question of public sports. There is a regatta; Major Knox takes a prominent part, as we were told, in that regatta. He has some pleasure yachts or boats built on that beautiful lake that adjoins the town of Sligo, Lough Gill, and, I would say, very unfortunately for himself, he makes the acquaintance of a man of the name of Thomas Brennan, who, I have no doubt, with that low cunning which sometimes characterizes men in his station, attracts the attention of Major Knox by christening a boat of his which was successful in the race the "Irish Times," Major Knox being known to be the proprietor of an able and influential journal in this country with that name. The close of the year 1867 comes round, and then there is a great deal more interest taken in the fortunes of the electors; 1868 opens, and, I would say, the plot thickens. The middle of 1868 comes, and then there is the revision. Then all parties are eager and zealous for their respective sides. Major Knox, in the witness-box, described the revision; he said that it was "a tremendous business." Well, what could have been so tremendous in the registration of 500 voters, or in the canvass of 241 voters ultimately brought to the poll in favour of Major Knox? Probably the number of his supporters at the revision did not exceed that. But, at all events, there is a quickened interest amongst all the parties at the time of the revision, and after the revision there is immediate preparation made for the election. And now let us see what was the course of conduct adopted, as regards this constituency, from a very early period. My attention has been called, and I have allowed evidence to be given, of the turbulent condition of the town, and of the horrible system of intimidation which has prevailed there. We all know, it was proved in the case, and we must know it *abunde*, that a gentleman of high rank received his death-wound on the morning of that very election; and I am obliged to take notice of the fact, that having sent a gallant officer to accompany a witness to Sligo the night before last, I have now a painful consciousness that he undertook a very perilous mission; he was himself covered with blood, from a terrible wound inflicted upon him, happily, I hope, without very serious ultimate consequences. But that blow might have terminated in his death. The lawless condition of that town has been and is beyond description. It must be put down; and I shall take care that my report in this case, I will presently state what that will be, shall contain special mention of the abominable intimidation which prevails there. The measure of the corrupt practices of Sligo, I have no hesitation in saying, is full—full in every description of corrupt practice—no one appears to controvert that, but especially in intimidation it does appear to have attained a bad pre-eminence. I cannot lose sight of the fact, and I am not now applying my observations to any one side, for it is applicable to both, that, as was well said by Mr. Pales, nine months before the election, mobs were organized, and organized on behalf of the sitting Member, as well as of his opponents. The very best that the sitting Member's counsel tried to make of the acts of Brennan is, that he was only, as he described himself, "the head of the fighting department." They say, "he is not our agent for the purposes of bribery; he was only our agent for the purposes of mobs." Of course it is said they were mobs to counteract mobs, but so early as nine months before the election mobs headed by this Brennan, and hired by this Brennan, were organised in Sligo, and that state of things continued down to the most recent period, until the revision and after the revision, sustained by the money of Major Knox, and by the money of his cousin Mr. Utrid Knox, he occupying at the time the office of clerk of the peace for the borough, an office which brought him into special connection, let me say, with the registration of voters, which ought to have induced and commanded him to keep his hands clean of all these transactions. But here he was, clerk of the peace for the borough of Sligo. I do not want to play upon the words when I say "clerk of the peace," engaged in the paying and hiring of mobs, instead of appealing to the constituted authorities, and seeing that those whose duty it was kept the peace of the town. Is it to be said that for nine long months the peace of a town in which there is a magistracy, in which there is a constabulary, in which are, I believe, Her Majesty's troops quartered, is to be dependent upon the vicarious aid of a band of fellows at the command of such a man as Thomas Brennan? But I am told that he is not the agent of Major Knox,

Sligo.

except for the purposes of hiring and commanding these bands. Now, is that so? The first question that I have asked myself is, "Is the agency of Thomas Brennan dependent upon suspicion?" If it is, Major Knox shall hold his seat so far as Thomas Brennan is concerned. What is the first act in this case of which we have clear and positive evidence, evidence not dependent upon the oath of any of the witnesses for the Petitioner, but evidence admitted, not controverted, both by Brennan and by Major Knox? Do any of us forget the appearance of Patrick Neilan in the witness-box? He was a voter in the year 1867, and perhaps before; he continues a voter in the year 1868. Thomas Brennan goes to Patrick Neilan, and he, at all events, has the knowledge of who and what Patrick Neilan is. Does he know that he is a voter or not? Why, he swears he not only knew that he was a voter, but he knew at the previous election he had got 50*l.* for his vote, and I think, moreover, that he had got 5*l.* for expenses; and that he had insisted upon keeping the whole of the 50*l.*, as well as the 5*l.*, though that was to be deducted out of the 50*l.* Thomas Brennan knew that Patrick Neilan was a man capable of being bribed, and of his having been so at a former election, to his knowledge. He goes to him, and he says, "I am going to send up a list of 30 names to Major Knox, who is my friend, and I have put your name in the number." He says to him that he has done so, and that he will communicate with Major Knox about it. Neilan is in destitute circumstances. He was proved to be a man in very destitute circumstances. He is afterwards very indignant that Brennan should have included his name amongst the party of 30 persons. He writes to Major Knox himself, stating his condition, he having been previously spoken to by Thomas Brennan, and he gives us the terms of that letter which he wrote to Major Knox; and what was it? He said, "that he had been in communication with a friend of Major Knox's, and in consequence of that communication he wrote to him directly. Who is that friend of Major Knox's that he had been in communication with? Thomas Brennan. What is the reply of Major Knox to it. The first reply to it is addressed in terms certainly not such as you would expect to be used to a man who is described afterwards as being only an object of charity, in the most destitute condition. He writes to him apologising for not sooner answering his letter, commencing, "My dear Sir," and stating that he will reply fully to the letter early in the next week. That is the substance of the letter, and I think it is dated in the month of January 1868.

Mr. *Palles*.] The 30th of January.

Mr. Justice *Keogh*.] Major Knox writes a second letter to Neilan, which is not forthcoming, but which certainly had existence, 'because it is proved by Mr. Pollock, Major Knox's solicitor, that that letter was shown to him by Neilan, and that Mr. Pollock either destroyed it or gave it back to Neilan. That was the evidence of Mr. Pollock, that he either destroyed that letter or did not know where it was; that it either remained with him, or was returned to the other party. If it remained with him, he destroyed it; if it was returned to the other party, of course he did not know anything at all about it. What was that letter? It was a letter telling him to go to Mr. Pollock, and he would investigate the case. Now, what is the meaning of investigating his case? Mr. Pollock says that he was to see, the man being in a very destitute condition, what was the sum which would take him out of his destitution, and accordingly Mr. Pollock says, "I will be prepared to give you 12*l.*" Now that was an act of charity; an act of charity—that is the case made for the sitting Member, that this was a destitute man, whom he did not believe to be a voter for Sligo, and therefore he thought himself at liberty to be charitable to this man. Beyond a doubt, it strikes one as a very curious circumstance that charity should be done through an authorised solicitor. But what is the reply made by this man to this offer of charity? Why, we have heard of the sturdy beggar, and we have heard of the robber of the Apennines who asks an alms *per amor di dios*, with a long rifle projecting over the wall. But here is a pauper, here is a Sligo pauper, who absolutely refuses 12*l.* from the open hand which is about contributing to his wants, and here is the attorney of that same gentleman with the open hand, who immediately negotiates with him about raising the amount, and he says, "If you won't take 12*l.*, at all events you will take 14*l.*" "No," is the reply of the other; "it is of no use; I will not take that either;" and then, to use a phrase which has found its way into the evidence in this case, "the figure" mounts up, and absolutely Mr. Pollock, the private solicitor of Major Knox, solicits, entreats, canvasses this man to accept from his bounty 16*l.* It is equally certain that this pauper, so destitute, without any means whatsoever, and all this time believed by Major Knox not to be an elector of the borough of Sligo, deliberately refuses the 16*l.* from Mr. Pollock, and walks away, and says he will have nothing to do with it.

What next? and this is not contradicted; I am now dwelling upon the question of agency. Thomas Brennan was the man who first introduced Neilan to Major Knox. What takes place? Mr. Pollock, not relinquishing the settlement of this business of imperative charity and humanity, tells the pauper, so destitute, to see his friend, and to come to him again. Who is the friend? Thomas Brennan. Thomas Brennan introduces this man, who is a voter, to Major Knox, in order that he may become the object of Major Knox's bounty; Brennan writes to Major Knox; Neilan writes to Major Knox, and refers to Brennan; Major Knox refers him to his family solicitor; the family solicitor negotiates with him to see what amount of charity he will accept, and failing to induce him to take 12*l.*, 14*l.*, or 16*l.*, tells him, "Go, and see your friend, and come back to me in the course of a week." And who is his friend? Thomas Brennan, and he does see Thomas Brennan; and what does Thomas Brennan say? "Will 18*l.* answer?" "Well," said he, "16*l.* is a good thing;" but he finally says to Thomas Brennan, "Tell them
that

that less than 20 l. will not do." Well, of all the paupers I ever heard of, he is the most extraordinary. Sturdy is no word for that description of mendicancy. It is calculating, cool. It takes up its pen and literally puts down the items which are to make up the bounty of Major Knox, and then the matter is communicated to the family solicitor, and the 20 l. is paid. But what becomes of this question of charity? Well, a security, an I O U is taken for it. Are you to be melting at one moment, and calculating the next? Is it to be in one hand a debt, and in the other hand a dole? What is it? Is it charity? If it is, what is the use of talking of security? Is it a debt? What is the use of talking about charity? But does that transaction fix, or does it not fix, the agency of Thomas Brennan? Has that anything to do with mobs? Is there any headship of the fighting department there? No; that is the department of consolation, of benevolence, in which this Brennan now takes the lead. He is the ministering angel in that case; he is a fighting Bobadil in the other.

Well, have we anything else as regards this Mr. Brennan? What is the case of Flynn? He is a tenant of Lady Palmerston's; he owes a year's rent up to the 25th March 1868; that is exactly the amount, looking at the receipts. An ejectment is brought in the office, I suppose. There being a year's rent due, an ejectment lies, and it is brought by Mr. Pollock, who is the local solicitor for Lady Palmerston. Flynn says that Brennan told him he would write to Major Knox on the subject of this distress; he asked Flynn himself to write to Major Knox on the subject. Flynn declined to do so, but, said he, "Whatever you can do for me you will." What takes place? Brennan is at the sessions; that is not contradicted; Mr. Pollock does not contradict it; Mr. Pollock is very cautious in giving his testimony; just what I should expect from him. He will not pledge himself that Brennan was not there at the sessions; he will not pledge himself—just what I would expect—that Brennan was not the very hand that gave that money, the 10 l. What takes place? The process of ejectment, which then and there by the payment of that money, ought to have gone by the board, Mr. Pollock tells Mr. Utrid Knox, he being the clerk of the peace, and it being his duty to attend the assistant barrister, tells him to pass the process on to the session of October. Why, the ejectment should have gone altogether the moment the money was paid. The man swears the money was paid then and there in the month of June, at the court-house, by Brennan; Mr. Pollock will not say it was not so paid there. What occurs afterwards? The October session coming on, the process is still in the list. What does Mr. Pollock? On the remonstrance of the man, he tells the clerk of the peace to strike it out. The man does not get his receipt for that money until the month of January 1869. One shilling of that money he has never paid out of his own resources to any living being; his rent is paid; his holding is still his own; his year's rent has been most kindly and humanely contributed by Thomas Brennan, and am I to believe that Thomas Brennan is to be at the loss of the money; that he who has to borrow a few pounds to take him out of the country, and who, for aught that appears, is not worth a sixpence on the face of the earth, is to be at the loss of that money, and that, indeed, none of the parties concerned in this election had anything whatever to do with it? Flynn swears that he (Brennan) told him he would write to Major Knox upon the subject, and the money is paid very shortly after that communication. What more is there about it?

Now, on the question of agency, here are two telegrams about which there can be no possible mistake; they are admitted to be in the handwriting of Major Knox, and, strange to say, they have not been explained, nor has there been an attempt made to explain them. They are both in the handwriting of Major Knox; they are both of the same date, and transmitted at the same hour. One is from Major Knox to Mr. Utrid Knox, his cousin, the clerk of the peace. This is in his own name, and he says in this—"Mr. Hignell will be in Sligo at twenty minutes past two to-day; can you kindly, and without inconvenience, meet him there? Important." What is the other? The other is dated the same day. It is in the name of Hignell to Thomas Brennan, Esq., 16, High-street, Sligo, and is written by Major Knox at the same time and same moment, both being sent together: "I shall be in Sligo at twenty minutes past two to-day." Why, of these two telegrams, is one of them sent to Brennan in the name of Hignell, though in the handwriting of Major Knox; whilst the other, in the same handwriting, is sent to Mr. Utrid Knox by Major Knox, in his own name. Both are the act of Major Knox. Is not Hignell Major Knox? Is he not the agent of Major Knox, is he not his employé in his office at Dublin? I think he said he was a retired officer; but whatever he may be, does not that telegram, written by Major Knox, adopting the name of Hignell, addressed to Thomas Brennan, prove to demonstration that Brennan was the adopted agent from first to last in these transactions of Major Knox. What more? Hignell is, as I said, in the office of Major Knox in Dublin. Here is a telegram from Mr. Thomas Brennan to Mr. Hignell, "Take care you do not make a fatal mistake that cannot be recovered. Wylie is to be here on Thursday next." And Mr. McDonogh (the leading counsel for Major Knox) tells us—I do not see it is in proof—but he distinctly stated that Wylie meant Serjeant Armstrong, the former member for Sligo. Much stress was laid upon the time of the revision, as if for a moment the idea appeared to pervade the minds of some parties that bribery is less bribery because it is committed two months or two years before an election. Any act committed previous to an election, with a view to influence a voter, no matter at what distance of time, with a view to influence a voter at the coming election, whether it is one, two, or three years before, is just as much bribery as if it was committed on the day before the election, or the day of the election; nay more, if any

Sligo.

man commits bribery on the first week of a Parliament, and if he sues for the suffrages of that constituency in the last week of the seven years which precede the dissolution, that act committed six years before can be given in evidence against him, and his seat will not hold an hour; but did Brennan's connection end before, or with the revision? So far from that, you have the evidence that Major Knox took part of a house; it is in the expense returns which I have before me, for which he gave 50 l. to Mrs. Leech in Sligo; he had two large rooms for himself, and as to a third, you have the evidence of that girl, Mary Burke, which I say is not displaced by any evidence, in this case. An attempt was made to discredit her character; but it utterly failed, and it brought confusion on those who suggested the attempt. What does she say? She is not contradicted by Major Knox, because she does not apply herself to Major Knox. She says she was told by O'Neil, the butler of Major Knox, to prepare a third room for the reception of Brennan. She does not say that she got instructions from Major Knox, but from the butler of Major Knox, and that butler was in court, and was pointed out to her by the counsel for Major Knox. His name was mentioned, Michael O'Neil, I think, and he is still in the service of Major Knox. He was in court during her examination, and if she had sworn falsely upon this that she was directed by him, he bringing his directions from his master to prepare a third room for the occupation of Thomas Brennan, and that he might take his meals there, not during the revision, but during the election, why was not O'Neil put upon the table to confront her? as it was thought to bring disgrace on her by mentioning her name on cross-examination in connection with him, why was he not brought upon the table, and asked whether that was true or false? He was not, and I therefore come to the conclusion that Mary Burke was speaking the truth in that respect. Secondly, we have Major Knox stating that he did not see this Brennan very often there, but that he was out dining in the evening; why, that is the very reason he did not, and that he was able to say so, because the room was provided for him that he might not be in the rooms occupied by Major Knox, but that third room became the room of Major Knox, and the acts of Brennan became his acts. What would be the use of having this man at the election, if he was only to be at the head of the fighting parties said to have been then given up? What would be the use of providing for this gentleman a room under the same roof as Major Knox, adjoining his private apartments, whether he was at the head of the fighting or the bribing department, unless he was the recognised, received, and cherished agent of Major Knox? Well, there he is brought to the very time of the election. Is he only connected with Major Knox in the town of Sligo? A gentleman is produced here, his name is Buckley, who has been in the "Irish Times" establishment in Dublin, from the 7th of September 1868 to the 5th of December 1868. He was the sub-editor of the "Irish Times" newspaper during the whole of that period. What is his testimony? He says he saw this very Thomas Brennan, who then, at least, was not leading mobs in Sligo, constantly frequenting the "Irish Times" offices in Dublin, and frequently in the private apartment of Major Knox there. He saw him there before the election, on the Sunday. He said, I think, there was an interval of more than a week between the visits. He saw him after the election at the "Irish Times" office; well, is it seriously pretended, or could it be with any hope put either before an individual juror—and I am placed in that position—or before 12 jurors, that this man was not an agent of Major Knox, commencing, it may be, their acquaintance in connection with these boat-races, but afterwards supplied with money by Major Knox, 10 l. at one time, 15 l. at another, 25 l. at another time—I care not whether it is for mobs, or whatever other purpose—communicating with him by letter, which is not denied, and personally connected with him in Sligo and in Dublin before the revision and during the revision, and before and during and after the election? The letters which passed between them are not produced, for they have been destroyed; every scrap of paper, it is remarkable, in this case, has been removed and destroyed; they have been burnt; the agent of Major Knox says, he burnt or destroyed, no one appears to have kept anything. The resolution appears to have been formed not to have anything which could trace home any act to anybody, and I heard the conducting agent of Major Knox say, as if he felt that he had something to boast of, "We took care to have no committees." I know it is a dangerous thing to have a committee; but if some contrivance more astute than another is put in the place of a committee, they have very great confidence, and let me say very little wisdom, who think that, tested by common sense, such shallow artifices will prevail in the end. But though no letters are produced, and there is no committee to connect Brennan with, we have him brought into contact in Dublin constantly with Major Knox, getting his money, frequenting the same house with him in Sligo, a room taken for him in the same house, where he got his meals. The witness who can disprove all that is in court, and his name prominently mentioned, and the attention of the court called to him, with a view to suggest a doubt as to the character of that female witness. In the presence of all that mass of evidence, can I hesitate for a moment in finding that Thomas Brennan is the agent of Major Knox? And if he is what becomes of this case? Why, the *corpus delictæ* was abandoned; and if the counsel for Major Knox are bound to admit, as they have done, that bribery has been clearly and distinctly proved to have been committed in the town of Sligo, and that the only question is one of agency, then all I can say is, that never in a court of justice did I hear agency proved more conclusively. It is idle to argue that we cannot speculate as to agency, that we cannot suspect agency; so I say, you cannot; but here is no question of speculation, or suspicion, for Thomas Brennan is proved to have been an agent by the handwriting of Major Knox; he is

proved to have been an agent by the sub-editor of the "Times" newspaper, by the number of times he was frequenting the private office of Major Knox. He is proved to have been an agent, by Major Knox having engaged, through his confidential servant, a third room in the private house which was appropriated for his personal accommodation in the town of Sligo during the whole of that election.

Well, then, how many men does Brennan bribe? Why, I would be wasting time to go through the list; he is brought into contact with almost every one of them; when everybody else abandons the attempt, he comes upon the scene; when Mr. Lyons cannot prevail upon Kearns and Barry, Stokes first takes them in hand; when Stokes fails to convert them to his purpose, all is not lost until Brennan has tried his hand. Who takes in hand Dominick Oates? He is brought to Brennan; by whom? Mark this: he is brought to Brennan by Thomas Leonard, who is down in this list of election expenses, signed under the hand of Major Knox; the voucher being in his own writing, for expenses paid by him to Leonard Garlick and others. That is the very Leonard who went to Dominick Oates, and brought him to Brennan to be bribed; that very Leonard is down in the list of election expenses, as the canvasser, the paid canvasser, and messenger of Major Knox.

Well, is there anything further? How many men depose to the fact that Brennan canvassed with Major Knox? I merely mention that in passing, because with the conclusive evidence I have in writing, and by the acts of Major Knox himself, he is his agent for any purpose in the world connected with that election; but he is absolutely, within the narrow limits of the decisions in England, a canvasser with Major Knox; he introduced him to several of these voters; to be sure, it was said it was only in one street. What does that mean? Mr. Harloe Phibbs said, "Tom, come here and show us through Pound-street," because that was a district that he was not so familiar with. Now, I am rather surprised at that, because every one knows that Mr. Harloe Phibbs is as familiar with Sligo, and with every part of it, as he is with his right hand; Mr. Phibbs is the agent of Major Knox in that canvass; he is accompanied on that canvass by Brennan; Brennan introduced him to several of the voters; Brennan introduced him to Flynn, to Pat Brady, to Oates, to Tiernen, and several others, amongst them the witness that was examined before Tiernen—I forget now his name, Kelly, I think.

Well, then, as I said before, if that be the case it is idle to travel further into these transactions; and what finally becomes of Brennan? The moment after the election he disappears. We had a great deal of inquiry about that hospital, and I did not think it of much value; I make no doubt that Brennan was in some state approaching *delirium tremens*. It is rather remarkable; Dr. Macnamara says he was under the impression that he had knocked down several men in Sligo. Whether that was with the stick, or the more agreeable method of the distribution of money, I am not prepared to say; however, a subpoena is given to Dr. Macnamara, with a request that he would give it to Brennan; and he appears to be dreadfully outraged at such a request, and immediately he puts the man under lock and key; and, with the exception of two or three confidential Sligo men, no one can find their way to him without the permission of Dr. Macnamara. Dr. Macnamara is very indignant that Mr. Malony should give him a subpoena, and say, "If you will not let me see him, will you be kind enough to give him the subpoena?" But although Dr. Macnamara had not the willingness to deliver the subpoena to Brennan, he thought it right and proper, he being a medical man of that very important institution, which I believe to be in the receipt of a Government grant, to hand over the subpoena of this court, not to the person for whom it was intended, but to the person who is the most interested in this inquiry, and to leave it in the hands of the Respondent in this case, Major Knox. We have not heard of it since. It is a very extraordinary circumstance, that the very moment that the subpoena is delivered Brennan flies, and goes to London, and nothing can be found out about him until the case is opened for the Petitioner. As an act of great candour Mr. Macdonogh says he has made inquiries about Brennan, and "he is happy to be able to say that the witness will appear at two o'clock the following day." Why, he had been all the time in the town; he had been to the "Irish Times" office a week previous, on the Monday, and Mr. Lawder having stated in the most emphatic way that he sought him out by letter, that he did not know where that letter was directed, but that he sent it to his correspondent, it now turns out that this witness had gone to a gentleman in London, Mr. Hoey, at the Stafford Club, and he communicated with Major Knox in Dublin, or Major Knox communicated with his correspondent in London, and in that way his address is found out, and Brennan is here. I know he contradicted almost everything that was sworn against him, but I have not the least hesitation in saying I do not believe one word he swore. He is contradicted by a dozen witnesses; he is contradicted by his own acts. He swore he was not an agent of Major Knox. Now, see the value of that testimony. The very acts and writings of Major Knox, and everything that passed between them, from first to last, demonstrate that he was an agent; yet he comes up and swears he was not an agent of Major Knox.

Well, is there any other agent of Major Knox involved in this case? I will travel now through the matter as rapidly as I can. It is said, "Oh! Mr. Cherry is no agent, you cannot spell out Mr. Cherry's agency." But first I find Mr. Cherry sending away voters from the election, and promising them sums of money in order to induce them to refrain from voting against Major Knox. Take the case of that man Shiels. There is no lawyer who would for a moment suggest that Shiels was not bribed. The offer of a bribe is just as bad as the giving of a bribe; but the distinction does not arise in this case. Cherry offered money, and he gave money; and, moreover, when he was in the box he thought

Sligo.

he had made a good point, for he said he had given Shiels even more money than Shiels admitted. He said he was indignant with the conduct of Shiels, and that he thought he had fallen into a trap. Well, all I can say is, if the mouse fell into the trap, the mouse prepared the trap for itself. He fell into the trap! He seeks out this man Shiels. He dwells in every way he can upon his poverty, upon the advantage it would be to him to improve his condition, and how he could do this and that for him. He holds him in the miserable position of having a decree hanging over his head; and the wretched man says: "I expected to be sent to jail, and I said I would go away." He says he owes him 5*l.* 16*s.* He says, "You want some clothes," and he added 1*l.* 5*s.*, and the rest was to be given in some other way. 11*l.* odd was to be given to his family whilst he was away, and an order was to be sent to the firm of Coster, Brodie & Company, in Dublin, for 20*l.*, the money to be given to him on the following Friday. All that is admitted; there is no controversy about it at all; but I venture to say, that if that letter was not forthcoming, the letter to the man in America which was opened by Connolly, the employer of that man Shiels, and if Mr. Coster was not capable of being produced, I venture to say that I would have been asked, as impressively as I was about the other cases, not to believe for a moment that a gentleman in the respectable position of Mr. Cherry could exhibit such insane folly as to deal with a man in that condition in so open and flagrant a manner. But he did deal with him in an open and a flagrant manner, and he is bound to admit it. It is said that it was an infamous thing to open this letter that was intended for America, the letter being a letter of introduction, which is generally left open, and this letter having to be handed by the man himself. Whilst these men are violating the law in every way by their artifices, and by their low and mean devices, and, as I say, in the case of Brennan, backing it by false swearing, they turn round and say,—“You did an ungentlemanly thing in opening that letter.” Some reference was made to a well-known transaction said to have happened in the town of Sligo, at a former election, when certain persons in the town of Sligo were located in a high room in the court-house falsifying the poll-books, and somebody who suspected them, the late Mr. Mostyn, I think, got a ladder and looked in; they complained greatly of his ungentlemanly conduct in looking into what they called a private room. I think the opening of this private letter may rank with that historical fact, and if one was to be condemned so was the other, but very far be it from me to condemn either.

Well, then, what takes place? This man Shiels goes away. He is taken away upon a car provided by Mr. Stokes. Mr. Cherry is the man who arranges the business, but he is said not to be an agent of the sitting Member. But does not Mr. Stokes put up the finishing stroke on the business? and if it is to be said when one man seduces the voter, and another man gets the voter to go away, that the man who gets the voter to go away, and carries him away, may be the agent, but that the other man cannot be the agent, why the whole of these laws against bribery and corruption might go by the board, if such attempts by subdivisions of fraud to escape from the consequences of these acts were to be allowed. Mr. Stokes is proved to be the agent of Major Knox. How is he proved? Out of his own mouth. The exigencies of the Respondent's case drove him to call these persons. I was determined that the case should not go off upon any plea that time did not permit all the witnesses to be called. There has not been a particle of time wasted. I owe every possible thanks to the gentlemen on both sides, for the admirable way in which they have conducted their case. Never have I seen more tact or more discretion shown. Every observation that could be addressed to the court has been addressed to it, but the necessity, the hard necessity, of their case drove the sitting Member's counsel to put into the box Mr. Stokes, and what does Mr. Stokes say? A great deal has been made of this, that Major Knox, the moment he heard of Mr. Stokes committing some improprieties, immediately repudiated them. When was that transaction? I have been able to fix the date. It was the Monday previous to the election. The nomination was on the Tuesday, and the polling was on the Thursday. It was on the Monday that Major Knox went to Mr. Stokes, and what took place? He is informed by Mr. Henry Lyons that Mr. Stokes had been committing some impropriety with a voter named MacTighe. How do I fix that date? Mr. MacTighe proves that Monday is the day he had the interview with Mr. Stokes. Well, what occurs? Major Knox goes to Mr. Stokes. He remonstrates, and what does Mr. Stokes say? Major Knox gives his account of the transaction, and see what it is. He said that Mr. Stokes said, "It had been exaggerated, that the reports about him had been exaggerated." What did Mr. Stokes tell us? That he promised to use his influence in future for the Major moderately. That is just four days before the polling, and the day before the nomination. What does Major Knox reply to that? There was an admission that there was a knowledge in the sitting Member that he had been using his influence improperly. There was an admission by the man himself that he had been doing it improperly, but it had been exaggerated, and there was a promise by him that he would continue to use his influence, but moderately, and what is the reply? Instead of Major Knox saying, "Sir, neither moderately nor immoderately, in no way whatever shall you use your influence for me," Mr. Stokes told us in the witness-box on yesterday, "That Major Knox smiled, or did something equivalent; bowed and smiled, said he was obliged, and went away." That is the strangest way I know of repudiating an agent; the man admitting that he had been acting improperly, and the sitting Member blaming him for it; he then says, "It has been exaggerated; I will use my influence for you, but moderately;" and he is smiled upon, and the sitting Member says that he is obliged. That is Mr. Stokes' version of it, and is he not the agent, then, of Major Knox? If he never was the agent before, is he not the agent then? But, I say, Major Knox's then allowing him, without *bonâ fide* repudiation, to continue to use his influence for him, was an adoption of his previous acts,

as well as an independent authority to go forth as his agent until the final hour of the election, and he is bound by the acts of Mr. Stokes. And what do I find in the acts of Mr. Stokes? He hires the cars; the book of the carowner is put up. The witnesses have the audacity to put it up. The book was handed on to the bench, and that wretched woman who kept it had the audacity to say it was Mr. Starkie that each of those cars was entered to. At a glance I saw—of course the alteration was so clumsy—I saw at once that “Stokes” was written under “Starkie” in each case. At first she denied it. Afterwards she admitted it. The figures were all altered; 1 *l.* 12 *s.* had been there for the Bundoran car, the distance of which I plainly understand is 40 miles; and in election times I know they do not charge half-price for return cars; that would be exactly eightpence a mile going and returning. It was proved that the two persons in that car were the two MacMullans, whom Stokes admits now he spirited away in order to further the interests of Major Knox. What more? The car to Manor Hamilton is altered in the same way, and it now stands at the sum of six shillings. I think the other, the 1 *l.* 12 *s.* is altered to 10 *s.*, and that alteration Mrs. Buchanan is bound to admit she made herself. And she admits that she altered Stokes into Starkie in each case. With what view? In order to leave no trace or bit of paper in any book or any leaf that could possibly bring home the guilt of these transactions to Mr. Stokes. What more have we about Mr. Stokes? We have the evidence, the unimpeached evidence, of that girl Burke. There is no attempt made to impeach her, having the best possible means of impeaching her, the servant in the lodging of Major Knox. She says that Mr. Stokes was going nearly every day into the house occupied by Major Knox. Major Knox may not have seen him. I may believe that, for the witness says she saw Stokes going up to the rooms in the evening, when Major Knox said he was away, dining out almost every day. But is there anything to show that Brennan was dining out, or that Brennan was not there when Stokes came up there? No. Mr. Stokes is proved to have been there in that very house, going in the mornings, and going in the evenings; and if anything was wanting, it would be found sufficient to connect him with Major Knox for the purpose of this inquiry.

A great deal has been said about Hagerty's rooms. Mr. Stokes is there in Hagerty's rooms. It is a very extraordinary thing that all the persons first visited by Major Knox when he went to Sligo are the persons who turn out in this inquiry to have been most active, both at their own houses and in that house of Hagerty's. Mr. Stokes is there; Cherry is there; Mr. Woods is there; Woods' son is there; Mr. Grubb from Dublin is there, and Balfour, both private personal friends who came down, as Major Knox says he believes, to enjoy the sport of the election. Well, but is there no one to give us an account of the state of Major Knox's rooms except Michael O'Neil? I recollect well, when Feeny was examined here, he was confronted with a Mr. Morison, who, Mr. Macdonogh said, was a young barrister, a friend of Major Knox. Mary Burke says the rooms were taken for Major Knox and Mr. Morison. This young barrister is placed there in front of the witness box when the witness deposed to a conversation in the rooms with Major Knox, and she was asked to look at that gentleman. Was he there? I expected this inquiry would not have closed without producing this Mr. Morison. He was here from beginning to end. The attention of witnesses was called to him, and it led my mind to believe that the gentleman would come up on the table, and contradict what they were swearing. But no attempt was made to bring into the chair that young man, a barrister, knowing his position and responsibility. A special room was taken for him in that house; there is no mistake about that; he sleeps in the same private lodgings with Major Knox in Sligo; he is there during the election; he is a friend, a particular friend Major Knox says, and he is not called on the table to explain, to contradict, or to repudiate any of the charges that were made against his friend, and some of which, I was led to believe, related to circumstances occurring in his presence. But all these persons are at Hagerty's rooms, and there is a guard at the door; and Thomas Leonard says that they were the committee-rooms. There was no committee; Major Knox says they took care to have no committee; I can well believe that. A committee, so called, there was not; but if Cherry, and Woods, and Stokes, and Galbraith, and Woods, junior, and Grubb, and Balfour all met in a room for election business, it is not necessary to constitute a good working committee, that you should emblazon on the doors, “The committee-rooms of Major Knox.”

And there they meet, and there is Major Knox's own agent, his canvasser, his special messenger, Thomas Leonard. It is all very well to say now he is a man of infamous character. Then why was he employed, if he was a man of infamous character? It is all very well for persons to avail themselves of the services of degraded instruments, but it does not lie in their mouth to turn round then and say they are degraded. Here is the list of election expenses, and a sum of money is put down for those men, one of whom is Leonard; and there is this extraordinary circumstance about it too, that that is the only voucher which is in the handwriting of Major Knox. That payment to Thomas Leonard of 5 *l.* 16 *s.* is handed in, not as a receipt from the election agent, but, whilst everything else is a regular receipt, this is in Major Knox's own handwriting, describing him as having paid this man 5 *l.* 16 *s.* Here it is, “Paid to Leonard, messenger, for himself and other messengers, 5 *l.* 16 *s.* That is dated the 16th November 1868. Now, one would have thought it would have been a receipt—“Received from Major Knox,” so and so; but this is, “Paid to a man so much for himself,” and the words run, “and for other messengers, 5 *l.* 16 *s.*,” and that is the only piece of writing that is in the handwriting of Major Knox himself, cut out, as it were, for the case. We have heard that there was considerable agitation in the town as to this Leonard's intending to prove, on the hearing of the

Sligo.

petition, as to the 5 *l.* having been given to him as a bribe for Henry, his brother-in-law, but this piece of writing puts the payment to Leonard of the 5 *l.* upon an entirely different ground, and if it had been a receipt in the writing of Leonard, it would be very satisfactory, but it is as I said, not a receipt, but a memorandum in the writing of Major Knox. But Leonard himself is here; he is the paid agent and messenger; he is guard upon the door, and he is identified as having been present at the committee-rooms.

Now, I come to a portion of this case that is of the most trying difficulty and importance. If I believed or was satisfied that Major Knox knew that Patrick Neilan was a voter, when he directed his family solicitor to provide him with that 20 *l.*, however painful the task would be to me, I should have been unavoidably coerced to find Major Knox guilty of personal bribery. But I am not so satisfied, and upon that slender thread I am enabled, and I am gratified at being enabled, consistently with my duty, not to arrive at that conclusion as regards the case of Patrick Neilan. I must say, however, (because, as I said before, no sympathy can prevail in these cases; if the poor man is denounced and properly spoken of for his acts, others in a higher position ought not, if they deserve censure, to go unscathed) Major Knox had in his possession the means of knowing that he was a voter. How is that proved? It is proved by Mr. Thomas Wilson, the paid manager of the Conservative Registration Society, to which Major Knox contributed in one year, at all events, all that was required over the very small subscriptions contributed by others; and he says he has no doubt that he sent a copy of the Register of 1867, marked C for Catholic, and P for Protestant, to Major Knox, and on that registry appears the name of Patrick Neilan. Beyond doubt, therefore, he had the means of knowing; and it is very fortunate for him that he did not, as he swears, consult that, or that he overlooked it, because if Major Knox had told him he knew that Neilan was a voter, I should have little if any doubt as to how I ought to deal with that case, in which 20 *l.* was given in charity so called, with a security taken for the amount. But Major Knox has sworn, and I believe him, that he did not know that Neilan was a voter, and consequently, he not knowing that Neilan was a voter, I am willing to arrive at the conclusion, that it has not been proved to my satisfaction that that 20 *l.* was given by him with the corrupt intent of influencing the vote of Patrick Neilan. But I do not entertain a shadow of a doubt, not the least in the world, that Brennan knew that he was a voter, and that he wrote to Major Knox on his behalf with a view to influencing his vote, and that he brought him into the list with 30 others said to be in the interests of Major Knox, because he knew in his heart that he certainly, and, perhaps, every one of the others, had been corrupted at previous elections. And is it not a remarkable circumstance that Major Knox himself, the representative of that place, uses the contemptuous expression about the electors of the borough of Sligo, that "*those elector fellows*" were haunting him in the town of Sligo on many occasions for money, and that as many as *thirty or forty* were soliciting him for bribes. They did not confine their solicitations to individual requests, but they come to him *en masse* with requisitions, and that he had so many of them at different times, that his table was covered all over with these applications. Presently, when I come to deal with the question how I shall report to the House of Commons, I can have no better voucher for the corruption of Sligo, and my belief that corruption does extensively prevail in that borough, than the sworn testimony of its declared representative.

The next case I come to is the case of Dunlevey. That is a very startling case, too, and a very difficult case to deal with. But, on the whole, I will give my opinion frankly upon it; not only am I not satisfied, but I do not believe the payment of that 10 *l.* to Mrs. Dunlevey. It is said then I must reject the whole of her testimony; and so I will, every word that is not made as plain as "path to parish church," by other extrinsic testimony; nay, more, by the testimony in the interest of Major Knox himself. Now, she says she went to Mr. Utrid Knox's house where the major was staying, and where he received all these people. And am I to be told that Mr. Utrid Knox is not an agent of his, where he had his room to receive them all in, and where he had frequently, he says, either Mr. Utrid Knox or some other relative to be a witness to these transactions. She deposes to his going into the shop and giving her 10 *l.* I do not believe that; I may be wrong. I have considered it myself as a jurymen, and I have asked what I, as one of 12, would say; and I have arrived at the conclusion that it is not proved. Of course, if I came to a different conclusion, Major Knox would be guilty of personal bribery. She deposes to other solicitations. She speaks to old Mr. Woods going to solicit her as to her husband's vote, and I confess at first I was rather disposed to come to the conclusion that he was as clear of that transaction as I have now declared Major Knox to be of the other, he told his story so plausibly. He admitted he had interviews with the woman. He owed her 2 *s.* 6 *d.* for manure. He is warmed with an intense anxiety that this half-crown should be paid to her. He pays her three visits in succession. He does not see her till the third, and then he has a conversation with her, according to his description, of the most innocent character. She, however, says he promised her money; he swears he did not. But what takes place afterwards? It turns out, which he kept entirely concealed from the court, that Mr. Woods, senior, went down to his friend, Mr. Galbraith, the landlord of this woman, to whom she was indebted in money, and who told her she would not have the house at all, only he left her in it, or was security for the rent. Woods sent her to Mr. Galbraith to get her to write a letter to her husband; they describe it to induce him to come and vote for Major Knox. She does go down, and she finds those two gentlemen, Mr. Galbraith and young Mr. Woods in the room; and they induce her to write this letter. They admit the letter. She writes to her husband:

"Francis,

“Francis, I have arranged matters with friends in Sligo. I am quite satisfied with you to go when you get this letter with the party who brings it to you. Dear Francis, you may be quite satisfied to have all things made right to your satisfaction, so do not come home.” That is the letter they induce her to write to her husband. I care not whether this was dictated or not. She wrote it, they say, of her own accord. According to their showing, it was a letter written to her husband to bring him home. At all events, the letter is written and read, and young Mr. Woods takes it with him. There we have Woods, the father, asking Mr. Galbraith to get her to come and write this letter, Galbraith getting her to do it in his own house; and Woods, the son, taking possession of the letter. Where does he next go to? His next step is to the residence of Major Knox, into whose hands he puts that letter so obtained. Major Knox says he disapproves of it, but tells him to consult Mr. Lawder, his conducting agent, who is in the room, and who makes use of the expression that “he would not touch it with the tongs,” and hands it back. That is his own statement to Mr. Woods, he having full knowledge that young Mr. Woods was operating upon this woman with a view to the vote of her husband, and having got a letter from her, disclosing a promise of reward to induce him to refrain from voting at the election. Mr. Lawder, instead of putting that letter into the fire, or into his pocket, and saying to that man, “Sir, you are doing an act which will imperil the seat of Major Knox, hands it back to him; the young man says he thinks he left it behind them, and that it was never handed back. Major Knox says his cousin took away all the papers that were found to be left behind; and it is afterwards found in the possession of this voter. That communication shows as clearly to me as the daylight, that every one of these three parties were operating for Major Knox, and with the knowledge and consent of his agents. There was no repudiation there. There was an apprehension of consequences; there was a disinclination to be connected with it; but when that letter was handed back, and not retained, it was allowed to be sent upon its mission to produce the desired effect, though a feeble and weak attempt is made, if the letter turned up afterwards, not to be bound by the consequences of the transaction.

Well, then, I say, once for all, that Mr. Woods, Mr. Galbraith, Mr. Woods, junior, Mr. Cherry, Mr. Stokes, and Mr. Brennan, were one and all the agents of Major Knox,—every one of them, and that they were engaged in corrupt practices. That disposes of the case of Dunleavy, and I think it disposes of the personal cases against Major Knox.

There were cases connected with letters written to electors by Major Knox. There is the case of Dominick Kilcullen, and also that of John Henry; they both hover upon the very frontier of corruption, if they do not absolutely overpass it. A promise of any place, reward, or employment, or an offer of it, is distinct bribery, if it is done with the intention to affect an election. What is this letter to Dominick Kilcullen? Here, again, the person receiving the favour is not the applicant, but the candidate is the applicant:—“Dear sir, would you kindly let me know what appointment your son would wish to have, and I will do my best to obtain it for him.” It is not the voter soliciting him. There is no pretence here that Major Knox did not know that Kilcullen was a voter. Brennan had written to him, or spoken to him, he said, on the subject of Kilcullen. It is plain that it is not an answer to an application of Kilcullen, but a solicitation of Major Knox. The letter is dated January 5th, 1868. All I can say about that is, that Major Knox states that he had no intention to corruptly affect the voter, and although the man afterwards goes to his house to thank him for what he has been doing for his son, I am not clearly satisfied that that letter was written with the intention of corruptly influencing the vote of this man Kilcullen, and Major Knox has the benefit of the doubt. So, too, as regards those letters to Henry just at the very moment of the election, one, October 9th, and another, October 31st, as Mr. Palles said, within eighteen days of the election. That the Commissioners of Chelsea Hospital were most anxious about his memorial; that they had taken it into their best consideration, and that he had heard of cases where pensions were extended and made permanent; this written to the voter, all I say is, that it comes in the same category; it is a case of gravest difficulty.

But placing myself as nearly as I possibly can in the position of a jury, and asking myself how such minds would be influenced by such transactions, and whether there remains any doubt about the intention, I arrive at the conclusion, not without great hesitation, that on the whole, Major Knox is “not proven” to have been guilty of personal bribery in these transactions; but I come to the conclusion that his agents have been guilty of bribery; that those I have named, and others which I may name in looking over the lists—that several of the voters have been guilty of being bribed; plainly, that man was guilty of bribery who took the money of Mr. Cherry, and the others to whom I have referred.

I shall make up my Report, and certify as to those persons who bribed others, and who have been bribed; I shall declare that the last election for the Borough of Sligo was a void election; that Major Knox was, by his agents, guilty of bribery; that it has not been shown to me that these acts were committed (in the words of the statute) with the knowledge or consent of Major Knox. I shall also report that it has been proved before me, and that I believe, that corrupt practices have extensively prevailed in the Borough of Sligo at the last election; that the grossest intimidation has existed there. I shall put what occurs to my mind upon paper in reporting these circumstances to the House of Commons; and I must also come to the conclusion, as a necessary consequence of my decision, that Major Knox must pay the costs of this petition.

STALYBRIDGE ELECTION.

Stalybridge.

JUDGMENT delivered by Mr. Justice *Blackburn*, 13 February 1869.

Mr. Justice *Blackburn*.] In this case the Petition complains of an undue return of the sitting Member on three grounds: those of intimidation and undue influence, bribery, and treating.

I will first mention the case of intimidation, of which some evidence was given, which I stopped when it had gone further, pointing out to Mr. Pope that it did not amount to sufficient to support that charge. I trust that, however, no one will for a moment suppose that the act that was sworn to be done, the attack upon Mr. Buckley, the pelting him, and the pelting his carriage, was at all in itself anything else than both a crime and a folly. I do not think that the fact that the assault was committed in an election time at all mitigates the assault; it rather makes it worse. I need say no more upon that point. I am convinced that those who were parties to that assault must by this time, when their blood is cooled, have become quite aware that they did very wrong; that it was both criminal and foolish to do such a thing. The candidate on the unpopular side is entitled to be allowed to go freely about to canvass, and the minority, if they are a minority, are entitled to have their opinions fairly considered. But in order to avoid an election on the ground of intimidation and undue influence, either it must be shown that the rioting or the violence was instigated by the Member or his agents for whom he is responsible (which in the present case was not attempted), or it must be shown that it was to such an extent as to prevent the election being an entirely free election; and what took place here, at the very least, fell very far short of that. Therefore, upon that point I stopped the case, when Mr. Pope had gone on; and upon that point the case is over; and it must be considered upon that that the seat is not imperilled at all.

Then comes the second head that I will take, and that is the case of treating. Now, upon that the law is tolerably clear as to the treating. By the Act of Parliament, the Corrupt Practices Act, treating is defined thus: "Every candidate at an election who shall corruptly by himself, or by or with any other person, or by any other ways or means on his behalf, at any time, either before, during, or after any election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, entertainment, or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person, to give, or refrain from giving, his vote at such election, &c., shall be deemed guilty of the offence of treating." That is the definition that the Act gives, and on that definition, I think, there can be little doubt that the whole is governed by the word "corruptly," which (as I have already had occasion to state my opinion) means with the object and intention of doing that which the Act of Parliament intended not to be done for the object and purpose of influencing the election by the giving of meat and drink. That is what I understand to be the meaning of "corruptly." The question whether or no there is corrupt giving of meat and drink must, like every other question of intention, depend upon what was done, and, to a great extent, the extent to which it was done, the manner and way. And therefore it is always a question which must, more or less, be a question of fact, and upon which the tribunal that has to decide it, whether a judge or jury, has to form its own opinion, and may sometimes form an opinion that others think is wrong, sometimes that others think is right. But in that particular point of treating it is a question of intention.

Now, here there is evidence given bearing upon treating proper to be considered. Part of it I will pass by for the present, and I will come to the part where, I am sorry to say, there is a direct conflict of testimony, and on which, considering it as carefully as I can consider it, I can come to no other conclusion than that on the one side or the other there must have been not merely a mistake or colouring of facts, but there must have been a wilful and intentional mis-statement. I can come to no other conclusion at all upon it; I mean as to the facts that were sworn on the one side to have taken place at the "Star Inn" and "Albion," and that were sworn on the other side did not take place.

The case for the Petitioner on that point rested principally, not entirely, upon the evidence of three men, Thomas Johnson, Knott, and Rhodes. Those three men did tell a story, the effect of which was this (there were some discrepancies in minor matters): that they went to the "Star" Inn, that they were to be kept out of the way of the other side, and that whilst there (it was particularly a man Rigby who was mentioned; Johnson, I think, was not present when Rigby came to the "Star" Inn, the other two were), as their story was, Rigby came to the "Star" Inn; he was brought there, that Rigby was taken upstairs into the committee or club-room, where business was going on under the presidency of Callison; that he was introduced by a man who is named Higginbottom as being a

Liberal

Liberal Conservative or a Liberal whom they were to keep from the other side; and in order to induce him to keep there they proceeded to make a mock meeting, at which they put him in the chair and gave him drink, made him make a speech; and, in short, gave him drink to such an extent that he was taken and sent in a cab to the "Albion." And it was sworn distinctly by Knott that Higginbottom did bring him up and thus introduce him; that Charles Johnson, the younger, who was the paid agent of the candidate, was present at the time when that took place; that he approved of it and told them to give him liquor and make him drink; that he would send a cab for him to take him away to the "Albion," where they would take care of him and treat him.

Then it was also sworn that at the "Albion" where Rigby unquestionably came, Mr. Bates (who was the head chairman, indeed you might almost say the only person acknowledged to be the committee of Mr. Sidebottom) there saw him; that when he had seen him Mr. Bates came out, and at the door of the inn made a speech to what were called roughs, telling them that they were to bring in votes wherever they could get them anyhow; to strike the cabs, to knock the cab horses in the legs, and knock down the cab horses if they could not otherwise bring them in, and to bring them in anyhow; that there they were to be; that Rigby was there, and that Rigby was made further drunk; and that two Irishmen who were not named, but were described, were brought in and made completely drunk and put aside under the table; that Mr. Bates came in and must have seen them, and that they were pointed out to Charles Johnson as being two that were lying there, and that the red ticket that belonged to one of the Irishmen was shown in order to show that they had got an adversary whom, by giving the drink there, they had prevented from voting.

I need not point out, after having read the words of the section which I have just read, that if that or anything like it be true it would clearly be treating. There can be no question that both Bates and Johnson were agents to the sitting member, and there can be no question that if drink was given to Rigby and these two Irishmen in that way, it must have been done for the purpose of influencing their votes and causing them to vote for Sidebottom, or at least preventing them from voting the other side.

Now upon that was it true or not? The men Johnson and Knott (I do not think it was quite the case with Rhodes), but Johnson and Knott, it appeared, when they had given their information to the other side were taken away from the town, kept away from the town for some time by the petitioners and the petitioners' agents. In that there is no harm in itself, except so far as this, that it shows that the petitioners had no confidence in these men; that they thought they were capable of being seduced and brought to give evidence on the other side, and that they had no confidence in them. So far as that went it would be some slur on their character and position, but no more. But, then, when they were cross-examined about this, and some questions were asked them, both men (Johnson at first, and most markedly, and Knott also) would not tell that they were so taken; Johnson was forced to admit he had gone to Ruabon. He was forced to admit, that he had been paid somehow for going to Ruabon; he would not at all state where it was the money came from, and asserted even that he did not know and could not tell from whence the money came. When he said that, as I indicated at the time, though that by no means proved there was no truth in what he said, it did show that that man was not prepared to fulfil his duty in speaking the whole truth. I could not but feel at once that when he denied that, it shook his testimony very much; I was by no means prepared to say then that his evidence was to be totally rejected, and that no part of it was to be believed; but that here he was, having made a statement which was manifestly on the face of it absurdly false, I came to the conclusion that he was a man who was not scrupulous about truth. Knott's case was in a less degree, but still the same thing; and Knott, it appeared, had been twice convicted of felony, a matter which must of course very much affect the weight one would give to his testimony. Still when it stood on these three men having sworn to all this, and Rigby, who was called, having in his evidence not by any means come up to what they had said had been done, but certainly having led me to the conclusion that he had been on that particular night drinking somewhere—he was drunk anyhow—I thought it was a case fairly requiring an answer, and I certainly did not expect that it was to be answered as they did by denying totally all these statements that were made; I thought it was probable that it was exaggeration; I thought it was probable that a good deal of explanation might be given, but I certainly was not prepared to have the issue come to be directly whether or no this was a positive invention (for a good deal of it, according to the evidence of the respondents, was a positive invention).

First of all, Mr. Bates distinctly swore that the story that was told of his making a speech to the body of the people at the door of the "Albion," and exhorting them to go out and bring in persons, was not true at all. There Johnson swore one way, Mr. Bates swore the other. It appeared on the evidence for the petition that Mr. Bates had been with a party who had seized upon some cabs in a way which, according to the evidence of the cabman, would have been quite consistent with his having given the directions that Johnson said he had given. Mr. Bates explained how that happened; he said it was an isolated act, that he was there, and that he did it. A foolish act it certainly was, because the attack upon the cabs under those circumstances could in no possible way be justified; no defence could have been made if this cabman had brought an action for assault; if any injury had been done to any one there there would have been no defence in a criminal point of view. But it was an isolated act, and though that act, if it stood alone, was a confirmation no doubt making it probable that Johnson spoke truth in saying that

Stalybridge.

there had been such directions given beforehand; yet certainly, on the other hand, that act having been talked about and known beforehand, might afford a basis on which Johnson might have composed what, according to Bates, was a fable, in saying that Mr. Bates made a speech.

There it is a direct conflict of testimony between those two, and I can only say that character must be weighed in the matter, and one must see which is likely to be believed. I cannot pass by this in my mind, that if Johnson's story be true, and Bates did make such a speech to 20 or 25 men, Bates must have come here deliberately to perjure himself, when he knew that at least 20 or 25 men knew that he was perjuring himself. I cannot draw that conclusion, therefore I must come to the conclusion that, as far as that part of Johnson's statement went, it was untrue.

Then we come to the other part of the case. We had the statements that were made of what Charles Johnson said. Charles Johnson directly denies that. We must weigh there the testimony of the two, and see which of the two speaks the truth. I can only say that as to character, as far as it goes, Charles Johnson seems in a better position as to character than they are; and there we must contrast these two, and see whether it is so or not.

Then, further, there is this; we have had called before us (and I was a good deal struck by his testimony, and weighed it a good deal), Callison and the others who were in the "Star" at this time. Now, Callison, according to the story which the petitioners gave, was there presiding over what was in form a committee or meeting, but what in reality was a place where there was drink, and where people were brought in, in order that they might be corrupted with drink; the president, if one might call it so, of a jolly association for the purpose of corrupting the voters on the other side. The case for the respondent was, that Mr. Callison was nothing of the sort; that the meeting at the "Star" was a meeting of a committee of people who volunteered to act for the election, who had selected among themselves persons who were to preside and assist in bringing up the voters; that they were volunteers; voters really and seriously trying to do business in a business-like way, for the purpose of promoting the election, intending that there should be no drink at all; and as far as they could prevent it, preventing there being any drinking with considerable success; and on this particular night Callison distinctly swore (and upon cross-examination he was, I think, utterly mistaken in it), that he was in the upper room doing business in a business-like way; that a little drink was brought, and that Rigby did come up there; but that anything like the statement which was made of his being put in the chair, and being made to make a speech, and having drink given to him, or the like, was quite untrue; that Rigby was there, that he sat there, and became somewhat troublesome, and that he told him to go out of the room. That was quite consistent with what Rigby's evidence amounted to. I have no doubt that Rigby was partially in drink at the time. Certainly, in the cross-examination of Rigby, there was the phrase used, "in the chair," by which, no doubt, counsel meant in the chair of a meeting, as we should use the phrase; but in looking at the way in which it was asked at the time, I do not think Rigby meant more at the time than that he was sitting in a chair. I do not at all blame either counsel; it is one of the misfortunes of these inquiries that, owing to the degree in which it seems to be thought necessary, and in election committees was the practice, to keep secret what is going to happen on either side, people come to the trial unprepared. It could not be known, it was utterly impossible that the respondent's advisers could have known, what Johnson and the others were going to swear, and it was impossible, therefore, that they could have prepared and told counsel how to cross-examine. I cannot blame Mr. Leresche, therefore, for not having asked about this, so as to see that there was no mistake upon it; and at the same time Rigby, when giving his evidence, was not very friendly to Mr. Pope's side, and I cannot blame them much for that; but I think, upon looking at the evidence, that Rigby did not mean to say that he had been in the chair of a meeting. A definite and picturesque account of it was given after Rigby had been examined, and I think when he spoke of his being in the chair, he meant no more than that he was sitting at the time.

Now, here one is obliged to draw the conclusions of fact for oneself, and taking the demeanour of Callison when he gave his evidence, and the way in which he gave it, I certainly did come to the conclusion that he did look like what his side and himself represented him to be, a sober, steady man, who had been selected among his fellow voters who were in the same class as himself, as being a sober, steady man, who might preside over them in matters of business, and keep them in order, and prevent any mischief happening, and that he did not at all look like what the petitioners' side represented him to be, a person who was put there to be the president of a meeting which, under the colour of being a committee, was to be the means of treating persons. Upon that part of the case, I am very sorry that it should be my task and my duty to form an opinion, but I am obliged to say that there must have been, as far as I can see, not merely exaggeration or simple mistakes, but that there must have been deliberate falsehood on one side or the other; and I come to the conclusion that the falsehood was on the side of those who were supporting the petitioners' case. Consequently, as far as that goes (as to which there is no doubt whatever upon the law), I come to the conclusion it was not true that there was any attempt either at the "Albion," or at the "Star," by means of drink, to give Rigby, or these two Irishmen, whose names are unknown, meat and drink for the purpose of affecting the way of their voting, which, unquestionably, would have been treating.

Still treating is not done; and I now come to the rest of the evidence bearing on that point.

Stalybridge.

point. I think it is very clear that the sitting Member's friends (he himself took no particular part in the act) did agree with the people in Dukinfield (that is where the evidence principally went, but I presume that it was the same in Stalybridge too) that committee-rooms should be appointed in different districts, and they were obliged to take them at public-houses or beer-houses for the purpose; that rooms should be taken, and that there the voters who constituted committees for the purpose of influencing the election, and for bringing up voters, should meet, should assist in bringing up to the poll the voters who had been already asked to vote; and I think that the sitting Member, or his agents, it appears clearly enough, did go round to these different rooms, and the people to whom the houses belonged were paid for the rooms, sums of money which were probably handsome for the rooms. Then it was said that it was understood that in paying for the rooms, and under colour of paying for the rooms, they were also to pay for drink and refreshment provided at the time. To some extent that was understood, I have very little doubt, by some of the people from whom the rooms were taken. Some of those keepers of the public-houses understood that, being paid handsomely for the rooms, they were also to furnish some drink. I do not think it appears that that was the intention on the part of the sitting Member or his agents; it may have been or it may not; I do not think that that, however, appears to have been their intention. Then I think that it appears pretty plainly too, that there was a desire on the part of the head men, captains of the different inns, that there should be no drink. Callison's evidence (whom I again mention merely as a type of what the others were) was that he exhorted them very strongly to have no drink at all, and for a very sensible reason which he gave, that their committee being in the district where it appears that the other side was the strongest if there was any drink, if any of their people got drink there would pretty certainly be a riot and a disturbance. Callison says he exhorted them to have no drink at all, and they all agreed to that; he says also, that though that was his exhortation, and that was what he wished should be done, he was not able to succeed in doing it. I am not surprised at that at all; I have very little doubt that it was broken through, and that drink was obtained to some extent; but I have no doubt at all there was a sincere attempt to prevent there being drink, and that it was so successful that there was not any considerable quantity of drink at the time; had there been it is probable that there might have been such matters, and such disturbances as would have gone very far to vitiate the election. As it is I do not doubt that some of the subordinate members of the committees, some of the people who went (as Rhodes states he did) to have their names put down to assist them, were in the hope and expectation that they might probably be paid in money, but that they certainly would be paid in having liquor and drink. I have no doubt that several of them did come with that expectation; I do not think, however, that there is anything to show that there was any drink supplied by Mr. Sidebottom's agents, or by Mr. Sidebottom's people for the purpose of influencing the votes. I come to the conclusion that the story told upon the part of the respondent is substantially true, that these committees really were self-constituted bodies, volunteers among the voters for the time in the district, who selected their own leaders; call them captains or lieutenants (it matters not what name they were called) under whom and under whose directions they were to act, and that there was the intention and desire to have as little drink as possible, and that to a very considerable extent they were successful in that.

That being so, I cannot come to the conclusion that there was anything that amounted to the furnishing of drink with a corrupt intention, the furnishing of drink with the object and intention of influencing the votes, or influencing the election thereby; that being so, the question of treating fails.

We then come to a far more difficult question, as far as I am concerned, and that is the question of bribery. Now on that there seems to be no doubt upon the facts that there were several men who were working men, and who would have voted for Mr. Sidebottom, but did not like at all that they should, by coming to vote for Mr. Sidebottom, give up their day's work, and, consequently, the day's wages. They did not like to be at a loss; and there seems to be equally little doubt upon the evidence that several persons (Travis, I think, was one who was named; Thornley, who was called as a witness, is another) who were acting and assisting Mr. Sidebottom; men under the impression that it was probable that those who did come and vote would have their wages allowed. Now I must, first of all, point out that, in my opinion (and I do not think there can be much doubt about it) the law is clearly settled by the Corrupt Practices Act, and I think it was so before. In defining what is bribery, the first section says: "Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting," shall be guilty of bribery. Now, under that, I do not think there can be any doubt at all that a promise or offer to cause a workman or other person to be no loser by his coming to vote (for instance, that if he will come and vote for Mr. Sidebottom he shall not lose his day's work, that he shall be paid his day's wages for the holiday whilst he votes for Mr. Sidebottom, instead of having his day's wages as he would if he stayed away from voting and did full work) comes within the meaning of the Act, and is an act of bribery and corruption. That much I can entertain no doubt about. There may be some doubt about what Travis is said to have done; but I can entertain no doubt upon this evidence, that Thornley and Aaron

Stalybridge.

Vaughan, when they went to Manchester and Gorton for the two men, did distinctly offer them and promise to them that they should have their day's wages paid them if they would come and vote; consequently I cannot doubt that that did amount to an act of corruption and bribery on the part of the voters who accepted it, and on the part of Thornley and Aaron Vaughan, who offered it. That I cannot doubt. It is not the kind of bribery which has the meanness that exists in selling a vote and making a profit for selling the vote. I can perfectly suppose and believe that a man may say, "I will make no profit by voting, but I will be at no loss;" and, therefore, that he may say, "I wish to be indemnified against any loss from my vote," and may think that he has not done anything very wrong; and it is certainly not mean in the way in which selling a vote for money would be, but, at the same time, it does come distinctly within the Act, and is an Act of corruption and bribery.

Then comes the question which I have had the greatest difficulty in trying to make up my mind upon: whether or no, that act being done by Thornley and Vaughan, Thornley and Vaughan were so situated with regard to the sitting Member that their corrupt act should invalidate the election. And that is a point on which it is of very general consequence that the law should be distinctly and well understood; and I am sorry to say that I have not been able, after the best consideration that I can give to this branch of the law, to come to anything very definite in my own views, or to ascertain the views of others. To a certain extent, I take it, the law is clear enough. The parliamentary practice in elections, beginning from early times, always was, that a Member was not merely to lose his seat on account of bribery committed by himself personally, or which he personally did, but that he also was to lose his seat when he was guilty of bribery by his agents. The reason of that was obvious enough. Candidates put forward agents to act for them; and if it were permitted that these agents should play foul, and that the candidate should have all the benefit of their foul play without being at all responsible in the way of his losing his seat, if the foul play was committed by the agents without the candidate having precisely known it, great mischief would arise in that way. Then again, one cannot at all shut one's eyes to the fact that, to a very great extent, when corrupt practices were committed, they were committed by persons who carefully abstained from letting the sitting Member know precisely what they were going to do. They were in such a position that they could act, and act actively, and spend money, and yet the sitting Member might be carefully kept in ignorance that they were spending money; but afterwards, when it was all over, and when it was too late to petition the House of Commons (the law is somewhat altered now, and there may be a petition sent in at a later time), they would come to the Member and say, "Of course I never let you know that I was spending this money, but you have had all the benefit of it, and, consequently, you are bound in honour to pay me, and to let me be no loser by what you have had the benefit of, but to recoup me for the expense which I have incurred." In that way there was a great deal of corruption. I do not doubt that these two principal grounds led to what was, undoubtedly, the practice of the Election Committees of the House of Commons, that it was not sufficient to say that the Member himself was not guilty of corrupt practices, or did not know of them, but that his seat was lost if he was guilty by his agent.

And that law, which was established by what one may almost call the Common Law of Parliament, is recognised, in my opinion, by the Legislature in the Corrupt Practices Act. In section 36 of that Act it is enacted, that "if any candidate at an election for any county, city, or borough shall be declared by any Election Committee" (it is now the Election Judge) "guilty by himself or his agents of bribery, treating, or undue influence at such election, such candidate shall be incapable of being elected or sitting in Parliament for such county, city, or borough during the Parliament then in existence. That section clearly indicates that the Legislature sanctioned the decisions of the House of Commons, by which a Member, guilty by his agents of treating, or any other corrupt practice, was incapable of sitting, and making a distinction between his being guilty by his agents only and being guilty personally. And the more recent Act of Parliament having put upon the Member who is shown to be guilty personally of bribery or corrupt practices a much more extensive punishment, having made him liable to a very much greater extent when he is personally shown to be guilty of these matters, and provided that he shall be no longer capable of holding a judicial office, no longer capable of sitting in Parliament for any place, no longer capable of being a justice of the peace, and so forth. When it puts that severe punishment upon a person personally guilty, it clearly shows that there is a distinction whether the man is personally guilty or whether he is guilty by his agents. Without any personal guilt, if he has by his agents been guilty of corruption, then the seat is vacated, and the Member can no longer sit for that place during that Parliament.

Now comes the question, which is one of very great difficulty indeed, what is the definition of agency? What is the relation between the sitting Member and the person guilty of a corrupt practice that shall constitute agency, so as to make the sitting Member responsible for it? On that the decision of the Election Committees, so far as I have been able to look at them, do not assist me at all. That tribunal from the way in which it was constituted, did not give reasons for any of their decisions. I find, on looking at the election reports, frequent cases in which there was a doubt whether or no an act of corruption committed by a particular person was an act by the agent, and I find it difficult, in reading the election reports, to know what the facts were. Many of them were cases in which there would be raised a sort of doubt whether the corrupt act was
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done by an agent or not. All that the election reports enable me to say is this, that in such cases there was almost always a division of opinion in the Committee. Sometimes the majority was one way, sometimes the majority was the other way. Why the Election Committees came to the conclusion that there was agency or that there was not agency, the reports do not enable me to say, and we cannot tell upon what principle they acted. Consequently, we are left in the dark there, except to say this, that the question what was agency was a matter on which there was difference of opinion. The mode in which these matters are to be decided is now altered, and I think all we can do (as far as I perceive it is all we can do) in order to get the law into a satisfactory state, is to proceed on the same principle and in the same way on which the common law has been formed. Sometimes it has been called, as a term of opprobrium, "judge-made law;" but the way in which the common law has been formed is this: each judge has from time to time, as each case arose, decided the particular point which came before him according to the best of his views, and explained or stated the principle on which he decided that particular question. When that decision has been made it has been known and considered by others afterwards. Where the decision has been satisfactory, where the principle has been satisfactory, and is adopted by others, it has become a land-mark, and has fixed the laws, as far as it goes. Where the decisions have not been satisfactory, or are not thought to be satisfactory (and as judges are men, of course it need not be said that there must frequently be cases in which there is an error made by a judge), they are not followed, but they are eliminated, and after a time, by taking the decisions made in this way, we do get a code and a principle upon which we can act. At present, unfortunately, in the election trials, we are without the aid of that. Every man must, as cases arise before him, come to a decision as he best may in each particular case.

I have already, in the Bewdley case, had occasion to decide this much. There it appears that the sitting Member had put a sum of money into the hands of his agent, and that he exercised no supervision over the way in which that agent was spending that money; that he had given him directions, and I thought really intended, that none of that money should be improperly spent, but that he had accredited and trusted the agent, and left him the power of spending the money, and I came to the conclusion upon that, that there was such an agency established as that the sitting Member was responsible to the fullest extent, not only for what that agent might do, but for what all the people whom that agent employed might do; in short, making that agent, as far as that matter was concerned, himself, and being responsible for his acts. I see no reason to doubt at all that that is perfectly correct.

Now we come further than this. Of course here it clearly is not the case that these men who went and asked the voters to come and vote, were agents to that extent. But this much is clear, that the mere act of taking the committee rooms amounts to evidence that leaves me no doubt at all about this, that the sitting Member and the sitting Member's people did request the volunteer committees (as I may call them) there to bring up voters when they could; and, consequently, I think that there was this much, that the persons who, joining these volunteer committees, went and fetched voters, were in one sense employed by the sitting Member to bring the voters up. It is upon that, which certainly was the fact here, that Mr. Pope rested his argument upon the case yesterday. He laid it down as a proposition of law, a definite one enough, and clear, that wherever the sitting Member or the sitting Member's agents, for whom he was responsible, had employed a person to obtain a vote, though they meant him to obtain it honestly, yet if he did corruptly that which they intended him to do incorruptly, still they must take the consequences. That I think was the proposition which he put, and to a very considerable extent I am inclined to agree to that. Without absolutely saying that that is the law in all respects, I think it goes a great way towards assisting me in deciding the matter. I think that nearly the same thing had been quoted in the Windsor case by Mr. Justice Willes, not deciding anything in particular, but stating the general position that a person employed to canvass and get a vote, was an agent for whom the other must be to that extent responsible.

As a general proposition and as a general rule, that would go a great way towards saying who is an agent, but I do not think that one can take it to be an absolute hard and fast rule, on which you can say, that wherever a case of corruption could be brought home to a person who was within this limit, the seat should be vacated. I think that the effect of that would be to say, that wherever there were volunteers, who were acting at all, and whose voluntary acting was not repudiated by the Member or his agents; wherever in fact a person came forward at an election, and said, "I will act for you and endeavour to assist you," and the candidate or candidate's agent said (as probably they would in most cases say), "I am very much obliged to you indeed, sir;" wherever that was the case, any corrupt act, or anything improper by that volunteer, although unconnected with the Member, would, if the proposition which has been enunciated is to be taken to the full extent, vacate the seat and render the election void. Now, I cannot but think, that to lay down any hard and fast rules of that sort, would work a great deal of injury and injustice at times. My own impression is, that at present I cannot go further, than to say, that each case must be considered upon the whole facts taken together; and it must be determined in that way, whether the relation between the person guilty of the corrupt practice and the Member was such as to make the latter fairly responsible for it.

In bringing that into consideration, it seems to me, at present, that the judge who has

Stalybridge.

to decide the case ought to bear in mind the reason of the rule which I have already explained. He must remember the objects and reasons for which, as I conceive, the rule was established, that the sitting Member must be responsible for his agent's unauthorised acts, if the agent was one who was put forward by him, so that he might have the benefit of his foul play, or was one who was authorised by him to act in a way which would give him, by receiving money which he might dispose of, uncontrolled agency. Bearing in mind these matters, then, I think that the judge must in each case say what was the relation made out between the parties. I certainly do not think that it is at all necessary that there should be any paid agency to make the Member responsible for what the person has done. I quite think that if Mr. Bates, for instance, had been shown to have been guilty of corruption in any way, he would have been an agent for whom Mr. Sidebottom would have been so far responsible as to lose his seat, because Bates was clearly credited by him to act for him generally. And I think that many of these volunteer agents, who were heads of committees, might or might not be so far connected with Mr. Sidebottom, as that he would be responsible for them. When a case of that sort arises, I would decide it upon the particular occasion. I have already intimated that I think it very desirable to adhere to the rule of deciding each case as it arises, when it must be more carefully and deliberately considered upon the point, in order to decide that much and no more; and I wish only to guard against being supposed to say that there might not have been an agency on their part if they had been corrupt. But here I am satisfied upon the evidence that the persons who were at the head of the committee-rooms were not parties offering this payment of wages. I think it comes to this, that the gentleman who was at the head of the St. Mark's school-room committee, Mr. Nield, might probably, if he himself had been guilty of corruption (I do not say certainly) have been so far connected with Mr. Sidebottom that Mr. Sidebottom would have been responsible for that. But Nield never meant, so far as I can perceive upon the evidence, and I see no reason to doubt, that Nield never meant that they should offer to pay the wages. I do not think that there was any sanction or consent given by anybody to the offer of Thornley and Vaughan. Both Thornley and Vaughan thought, I have no doubt about it, that the claim to be paid wages was so very equitable according to their view of the matter (I have already expressed my opinion, that it was clearly illegal, though it would not be mean), that probably the wages would be paid by Mr. Sidebottom or by Mr. Sidebottom's people; and that being so, I think they volunteered the statement, and they carried it further (for I think they did go further) and positively assured the men that they would be paid.

But then comes the question, were the two messengers sent by Mr. Nield, to see if they could persuade these men to come and vote, so connected with Mr. Sidebottom as to be agents, for whose corrupt acts Mr. Sidebottom would be responsible? I have already intimated that, according to my view of the matter, it is necessary to consider the reasons of the rule, and the objects of the rule, and to take the case as it stands altogether, and see if it does amount to that. If I were to lay down the rule that such an act of agency as this, an improper act of such a person, would vacate the election, I do not see that any one could be safe in ever standing at any election, without providing that every canvasser and every person engaged in the election should be his own dependent, over whom he would have complete control. I think there is a great risk in all cases that corruption would be concealed and hidden under things of that sort. Wherever it does appear that there is any ground to suspect that there is any corruption of that sort, I need not say that it would be a strong case; and whenever it appears that the things are numerously done, it would go very far to show that the agents did come within that principle which I think the law is founded upon; that they would be persons the benefit of whose foul play the Member was to get, and therefore it would be right that he should forfeit his seat in consequence. But in such a case as this, where I am convinced that they were real *bonâ fide* volunteers, voters acting for themselves, not selected by the Member or chosen by him at all, but really *bonâ fide*, in a business-like way, the voters of the district choosing sober and respectable men, in whom they had confidence, to be the head of their own department, and acting together, a messenger who was sent by one of them is not so directly connected with the sitting Member, or any of his recognised agents, as to make him responsible for his misconduct in offering a bribe.

The consequence is, that I come to the conclusion that there was some modified act of bribery on the part of these two men. I do not come to the conclusion that these two men, in doing it, were such agents as to make the sitting Member responsible. And consequently, I come to the conclusion, that bribery is not so brought home to the sitting Member as to imperil his seat.

These are all the points which are really raised. Some other acts of agency were relied on; but this is the strongest. I think what I have said upon this will sufficiently indicate the reasons upon which I proceed in the others. And the consequence is, that I must hold the election good, as there is no reason why it should be taken out of the general rule. I must consequently make the Petitioners pay the costs.

TAMWORTH ELECTION.

JUDGMENT delivered by Mr. Justice Willes, 15 February 1869.

Tamworth.

Mr. Justice Willes.] This was a petition praying that the election of Sir Robert Peel and Sir Henry Bulwer respectively to represent this borough in Parliament should be declared to be void upon several grounds: Alleged bribery by the candidates, or one of them, or their or his agents; alleged treating, and alleged intimidation in the same terms. At the trial no attempt was made to trace any of these alleged corrupt practices to Sir Henry Bulwer personally. Evidence was given, which, it was insisted, made out that Sir Robert Peel was personally guilty of bribery. It was also rather insinuated than asserted that upon the evidence, taken as a whole, Sir Robert Peel ought to be considered to have known of and adopted certain alleged corrupt acts of his land agent, Mr. Carmichael, and to be held responsible for them either as personal acts by his recognition or acts of his agent, for which he is in point of law responsible. It was also asserted, and evidence was tendered to establish, that Sir Henry Bulwer was guilty either of the acts of bribery and intimidation attributed to Sir Robert Peel, by himself and his agent, Mr. Carmichael, by reason of an alleged association between the two, making each of them the agent of the other, or that, at all events, he was responsible in respect of bribery committed by his agents, or treating committed by his agents.

I must deal with each of those allegations in order, and perhaps it will be more convenient to commence with those which personally affect Sir Robert Peel. In doing so I feel no difficulty as to the principles of law upon which to act. It has been alleged that there is great difficulty in the principles to be sought by the judge who is to decide the question. I observe none. The judge has been even exhorted to take, in respect both of the law and the facts, what has been called a broad and wide view of the questions which have been presented to him, in the event, I suppose, of his mind not being able to arrive at and to state any precise rule of action. As wide as the stars, if you please, so long as there is firm ground to tread upon and light to see by; but if it is meant by a sort of exhortation which for the first time was addressed to my mind, in this case, that if, for instance, the question was whether the London coach, when the London coach ran, was horsed with five horses or with four, and witnesses were to be called who saw it, and who swore that there were four, and some of them would not swear but that there might have been five, and others would not swear but that persons had told them that there were or might have been five; and then it were added to that, that those who were to resist the affirmative proposition that there were five and not four might have called hundreds of people who did see the coach, and might have proved that they did see five, and that they were guilty of a suppression of evidence by not calling the people who, it was suggested, could prove that there were not five if there were not five, and that therefore the court was to be asked upon a broad and wide view to extend the ordinary rule of two and two make four into two and two may possibly make, and therefore ought to be held to make, five, I must treat an appeal which is capable of being exposed in its absurdity when reduced in its application to a question of ordinary fact, with disregard.

Now, what is the true and broad principle applicable in point of substantive law to the case? I shall presently state, when I come to that portion of the evidence upon which the greatest conflict arises, those true and broad principles of reasoning upon amount of proof which have been acted upon in my experience now during a somewhat long period upon the Bench, and have hitherto been principles appealed to by the bar. The principle of substantive law is, and it is a very simple one, that for the preservation of the purity and freedom of elections, the member returned shall be answerable, not only for his own acts, but for the acts of his agent, whom he puts in his place to represent him in the conduct of the election. It is unnecessary, after the luminous discussions of that principle, and especially one that has lately appeared, and which, probably, many of you have read, by my Brother Blackburn, to enlarge upon it. It will be sufficient to dismiss it with an illustration, an illustration, it is true, not involving the constitutional principle which makes the chief value of the rule, but which will at once show its good sense and its justice. If a race were to take place between two vessels for a prize, and the steersman aboard one of those vessels was to thwart his opponent by declining to give way to the vessel that had a right to keep her wind; or if one of the crew hoisted an extra sail not allowed by the rules of the race, and the vessel aboard which that foul play took place was to come in first, the owner could not claim the prize, even by showing that he was away, that he had nothing to do with the misconduct of his servants, or even that he forbade them to be guilty of such misconduct; nor could he mend his position by showing that if no such misconduct had taken place his vessel would, nevertheless, have been sure to come in first. It is clear, therefore, that if Sir Robert Peel, with his 300 and more majority, and *a fortiori* if Sir Henry Bulwer, with his much less majority, should appear, either of them, by himself, or his agent, to have been guilty of bribery, treating, or undue influence, in the way of intimidation or otherwise, the election must be declared void.

Tamworth.

Now, with respect to Sir Robert Peel, it is alleged that he was guilty of bribery. I do not quite understand the way in which that gentleman has been dealt with on the present occasion. I should imagine that if it was intended seriously to ask me to disbelieve him upon his oath in a part of the case to which I shall presently refer, that it would have been alleged that he was guilty of perjury, and that he would have been treated in the course of the inquiry in the remarks made upon him, and in the tone in which he was addressed as a man who really was believed to be guilty of such misconduct by the persons who accused him, and I can conceive that some of the indignities of tone and manner which were addressed to Mr. Carmichael would have been transferred to his employer, Sir Robert Peel.

Let me proceed, however, to discuss the facts upon which my judgment ought to be founded. It is alleged that Sir Robert Peel personally bribed a Mrs. Archer, the wife of a voter, who gave his vote at the election against Sir Robert Peel's wishes. The bribe is alleged to have been paid upon the night of the nomination. It was dark, to be sure, and wet, just a time that a person would choose for concealment of an illegal act. Sir Robert Peel does not even appear to have given his name until he was pressed for it; he took with him a person who did not give his name at all. Sir Robert Peel had not even the directness to pay the money out of his own pocket, or with his own hand, but was generous at the expense of the unnamed individual who went with him, and then and there, having committed the alleged act of bribery, which was wholly unnecessary in his interest, he went off to the next door, and, in order to conceal the fact that he had bribed Mrs. Archer with five shillings, gave ten shillings to a poor woman in distress, for the purpose of taking her to Birmingham. Let suspicions which have been appealed to upon other parts of the case exercise themselves upon this view, and let them arrive at the conclusion that bribery was committed, or that a bribe was intended, and let these suspicions, having done their worst upon this part of the case, remain subject to the contempt of everybody who has judgment to decide upon their merits. Take the other side of the case; Sir Robert Peel gets a list of persons whose names it is desirable he should have in order to canvass them, he feeling anxious because of the introduction of the new voters into the constituency, because he had the fear, or the anxiety, that he might possibly find himself in a minority. He went at the time when working men are usually canvassed with effect, because they are away during the day, and probably may be found at home during the evening. We get rid of one circumstance of suspicion, the night. He finds a poor woman about to be confined, with several children in a place which was badly repaired, one of his houses which he would naturally be bound, so far as he could by himself or his competent agent, to look after in the fair discharge of his duty towards the tenants who were under him. A complaint was made by that woman; she complained of pain and distress, and she mentioned the fact that she was about to be confined, and she wished him to come up and see for himself the state in which the place was. It was raining at the time, which would add some weight to her complaint that the roof was insufficient. I believe that the true explanation of the variance between the statement and Mrs. Archer, and the statement of Sir Robert Peel and Mr. Sansom as to the character of her complaints is, that she was thinking of one thing and they were thinking of another. I do not believe that she intended to beg; I think she intended to complain of being in a state of wretchedness, because the covering of the roof was insufficient; but I believe also, that Sir Robert Peel and Mr. Sansom understood her in another sense, and that when she complained of her want and suffering, Sir Robert Peel is quite sincere when he says he thought she wanted a blanket. He said, "I cannot give you a blanket." Knowing his position as a candidate, he said, I cannot do it, and seeing one of the children looking wretched, he said, I wish I could give some money. "Have you (Sansom) any money you can give to this poor woman or this child." She says they canvassed for Sir Henry Bulwer. Sir Robert Peel and Mr. Sansom say they did not. I believe she has been talking it over, as a great many other witnesses in the case have been talking over the matter, with her neighbours, till she believes the design imputed to Sir Robert Peel was really in his mind, and that he did go there to bribe her for Sir Henry Bulwer. I believe that she believes it. After the remarks I have made, I will not offer my common sense the insult of inquiring of it whether I believe it; I will answer at once, I do not. I think the petition upon that evidence against Sir Robert Peel was wholly unwarrantable, and I think the charge is as groundless (I will say no more) as any of so grave a character that ever was brought forward against any man in a court of justice.

Now, I proceed to discuss the question whether Sir Robert Peel, by his agents, is proved to have been guilty of bribery or undue influence. Each of those crimes was charged against Mr. Carmichael. Had I anticipated, when Mr. Carmichael was put into the box, what afterwards clearly turned out to be the case, namely, that he was no election agent of Sir Robert Peel for the purpose of the election, I should have endeavoured to spare the waste of public time which unquestionably has taken place in the long, pointed, personal, angry attack that was made against this person, Mr. Carmichael. I could not, however, anticipate that before I had heard the case. I believe that in an ordinary inquiry the petitioners would have been advised, and would have been compelled to act upon that advice, that there was no ground for making out that Mr. Carmichael was, in a sense to make Sir Robert Peel responsible, his election agent; that they would have been advised that Mr. Carmichael might be spared what he has been exposed to; which I cannot for his sake regret now he has been exposed to, because it has only tended to confirm the opinion

opinion as to his character, which I shall express presently, and we should all have been spared the loss of nearly a day. Mr. Carmichael was the land agent of Sir Robert Peel; he was placed in an exceedingly disagreeable position; he had to manage one of the most troublesome and disagreeable of all species of property—property in small houses; a property of which I speak sincerely when I say that I would not accept it as a present from Sir Robert Peel at this moment, with the trouble and certain annoyance and vexation and litigation which would be likely to spring from it, and with the constant charges by persons who are sure to take part, probably some from generous sympathy, with any poor people who say that they are oppressed, and found upon their complaints some further charge of cruelty against the landlord. Mr. Carmichael was employed by Sir Robert Peel to manage that description of property in Fazeley and elsewhere. It requires, in consequence of the smallness of the amounts dealt with, a very methodical head. It requires rigid exactness, on the part of the agent, in order to do justice to his employer, and it requires great temper and great discrimination in order to be able to bear with the sorrows of those who are really suffering, to whom indulgence may be fairly extended; and to detect the practices and contrivances of those who occupy the property of others without paying regularly for it, or without using it well. That is the sort of task which Mr. Carmichael had to perform. It is said, that in the performance of that task he took unfair advantages to an extent reprehensible in the highest degree, and deserving of all the vehement attacks that have been made upon him upon the supposition that his misconduct was proved, and even of penal treatment if any single portion of the alleged misconduct had been established. One of the cases which was opened by the learned Counsel for the petition, as being of importance as affecting Mr. Carmichael, was that of a person, I think, named Richardson. It is true that this case was treated lightly in the end, and that it was put aside, as it were, the counsel for the petitioners saying, “Pay no attention to Richardson’s case; there is nothing in that; let us proceed to the others.” What is the meaning of that? An opening of a case, in which a person is charged with an offence of the gravest magnitude, coupled with other offences of a similar kind, founded upon similar evidence, deliberately brought forward at the opening, and not maintained at the reply; then to be shuffled aside, and the attention of the tribunal directed away from it and no weight to be attached to what has occurred! Far otherwise. This is one of a series of mis-statements and exaggerations of a gross character, which the learned Counsel for the petitioners was instructed (because, unless he was instructed, he would not have done so) to put forward, and which not only has not been sustained by the evidence produced, but, like many other statements which he was also instructed to make, has been negatived by the evidence, and then withdrawn. But can it be withdrawn from the mind of any person of impartiality and good sense, sitting down to judge whether this petition is founded upon real grounds, or whether it is only founded on suspicion and prejudice, and whether, with respect to Mr. Carmichael, what has happened as to him is really not so much an attack upon Sir Robert Peel through the side of Mr. Carmichael, as an attack upon Mr. Carmichael through the side of Sir Robert Peel. This Richardson said that he was promised, first of all by Pearson (who was a mere messenger), and whom he did not know to have married his wife’s mother—a likely story! And he (Richardson) alleges that Mr. Carmichael bribed him by stating that he should have the “Stone Cross” and the osier bed, if he voted for Sir Henry Bulwer. Is that true? It is admittedly not, but it is provedly not, because he alleged the presence of Mr. Shaw at one of the conversations, and he is contradicted not only by Mr. Carmichael, but by one of the few persons connected with the respondents, whom the instructions of the learned Counsel for the petitioners allowed of his admitting to be a respectable man.

The rest of the evidence affecting Mr. Carmichael points to the exercise of undue influence, and if that undue influence had been established by the evidence, I agree that (I think the word “infamy” was the word used) the infamy which attaches to those who grind the faces of the poor would justly attach to Mr. Carmichael, and in some sense to the gentleman who would in that case have had the misfortune of employing him. What is the evidence? Let me first take the case of the 21 houses without which, I presume, this charge would never have been advanced. The case of the 21 houses was this: Mr. Tolson held those houses as a weekly tenant under Sir Robert Peel. Sir Robert Peel, who appears to have gained some knowledge of the effects of the system of middlemen, was desirous to get rid of Mr. Tolson, a gentleman apparently of the highest respectability, and whose conduct in the course of the election has done him credit. He was desirous to get rid of him, not because he voted for Mr. John Peel, but because he was a middleman between Sir Robert Peel and the immediate occupiers of the place. Is that true? It looked not so until the evidence of Mr. Carmichael came; but Mr. Carmichael went through a series of statements, all admitting of being checked and contradicted, and to which no cross-examination of any consequence was addressed, proving that the dealing with the 21 houses was not for the purpose of the election, but that it was a dealing forming part of a large ordinary arrangement for the distribution of Sir Robert Peel’s property of similar kind, and that, taken as a whole, that arrangement was not fairly chargeable with the criminal sort of favouritism which was attributed in respect of the 21. Moreover, witness after witness connected with those 21 houses being examined proved no threat whatever of Mr. Carmichael; Mr. Tolson, the immediate tenant of Sir Robert Peel, proved no threat from Mr. Carmichael, no interference with him, and no attempt to make him interfere with his tenants. And Mr. Carmichael, the deep designing man that he is

Tamworth.

described, not having made use of any threats before the election to those tenants, did what? It is said he communicated to other persons from whom the intelligence would be sure to spread like wildfire to those tenants, that they would be turned out if they did not vote for Sir Henry Bulwer. Eloquence is admirable, and imagination is beautiful; but when you come to check the assertions of eloquence and the visions of imagination by the actual facts themselves, you expect that some attempt will be made to make the facts fit the assertions: not one single witness of those who were called from the 21 houses was asked whether he had heard anything of what is alleged to have been said to the Tittertons, and the Palletts, and the Clarkes. I leave out Walker, because in his case there was no threat pretended, and there was no notice whatever given to him until after the election. I am rather pleased by the indication upon that subject; I am rather pleased with the notion that it would be sure, if it had taken place, to spread like wildfire, and especially to spread like wildfire amongst the neighbours; and in this class, I have been endeavouring to consider what is the just conclusion and the just use to make of that suggestion, and I cannot help thinking that it is this: If those threats were made they would have spread like wildfire, and they would have been heard by one or two of those 21 people who were evicted from Tolson's. On the other hand, if those threats did not spread like wildfire, and did not spread at all, and did not come to the knowledge of any one of those 21 people, very likely they were threats which have been worked up in the fancies of those who said they were made since the election, and did not exist before, or they would have been communicated. The latter does appear to me to be, in point of reasoning, a sounder process than the former.

There is another remark to be made with respect to those 21 houses. Again, the designing Mr. Carmichael having plotted the intimidation which was to spread from the one, or two, or three, to whom it was made, to the 21 to whom it was not made, having plotted that for the purpose of getting in Sir Henry Bulwer, having succeeded in getting in his candidate, Sir Henry Bulwer, by means of this and other arts, which at another part of the case I was called upon to imagine existed, suddenly took it into his head to destroy the effect of the plot which he had hatched, and all he had accomplished; because whilst a petition must have been suspected and was possible, and I have no doubt was expected, upon the 30th of November, a week and more before the time for presenting the petition expired, and at a time when to take the course he did would add colour, if not, as it is said, foundation to the Petitioners' case, he proceeded to give his notice of the 30th of November to Mr. Tolson; why I must not only hold Mr. Carmichael to be an oppressor, as he is called, I must not only hold him to be a knave in respect of Sir Robert Peel, and an oppressor in respect of these people, but I must also come to the conclusion that he is a fool. I cannot do that; I believe that the charge against Mr. Carmichael, in respect of these 21 houses, explained by the evidence, the details of which it would be wearisome to go over, but from which I have drawn the conclusion I have already stated, is as groundless almost as the charge of bribery against Sir Robert Peel. I say "almost," because it may be that the Petitioners honestly believed the one; but I cannot think they believed that any judge could come to the conclusion of the truth of the other.

Now I come to the cases in which specific evidence is said to have been given. Specific evidence is said to have been given in the case of a Mrs. Titterton, James Pallett, Alfred Walker, and James Clark, confirmed, as it is alleged, by his wife Mrs. Clark. With respect to Mrs. Titterton, I pass her over with this remark: her evidence is in direct conflict with that of Mr. Carmichael; I must believe one or the other, and I am bound to say which I believe, and in testing their respective credibility I have nothing to assist me except the probabilities of the case. The first and perhaps the main improbability upon the side of her story is this: that Mr. Carmichael, for the sake of advancing the interests of Sir Henry Bulwer, said, in the instance of these people, and these people only (because of course every piece of evidence of this sort which exists has been ransacked, and every witness that could give any proof upon the subject or anything like proof upon the subject has been produced), that he limited his operations in this way, and that he just contrived to commit as much corruption as should endanger Sir Robert Peel without very much advancing the case of Sir Henry Bulwer, and which, in fact, did not advance his case, because it does not appear to have procured him a single vote.

The second is this: the same remark as has already been made as to the 21 houses, the fact that he should have defeated his own alleged plot by an immediate proclamation of it to the world, in turning out the people, and turning them out with angry feelings against him, which would induce them to fling themselves into the arms of Sir Robert Peel's opponents. There is another circumstance which ought not to be overlooked; there was a cause for turning out Mrs. Titterton, partly apparent upon her own evidence, where she admitted that she threatened, in language somewhat forcible, to break the legs of her neighbours for venturing to come into the house, as Mrs. Titterton chose to suggest, to make mischief between a man and his wife. There is this further circumstance, that upon the 20th of November, which would be perhaps some three or four days after the election, a letter was written to Sir Robert Peel (not to Mr. Carmichael) by a neighbour, complaining of Mrs. Titterton's conduct, and requesting that she should be obliged to leave, and she afterwards was obliged to leave. Now that letter has two aspects; the aspect in which it is put upon the part of the Petitioners is as part of the plot invented by Mr. Carmichael or by some person in his office, and placed before the tenant who sent it to sign in order to make proof that what Mr. Carmichael had done in the way of threat, and was going to do in the way of eviction, really was attributable to some other cause besides the desire to intimidate and to punish. That letter which Mr. Carmichael it is suggested

so concocted as part of his wicked scheme, is addressed to Sir Robert Peel, the landlord. This is why I said, and I repeat it, that it is impossible to separate Sir Robert Peel and Mr. Carmichael in this matter. Let the proper person, the superior who ought to be answerable in the first instance, be struck at boldly if he is struck at at all. I believe that this suggestion is ridiculously groundless, unless Mr. Carmichael had a plot to which Sir Robert Peel was a party, and did not care to call his attention to the case of those tenants, because he knew that he had previously got him upon his side, and induced him to authorise the course of action which he is alleged to have pursued towards them. Testing this case, therefore, by every test which can be applied to it, apart from the question whether Titterton or Carmichael ought to be believed, I should pronounce that the story of Mrs. Titterton was a fabrication, and I am now satisfied that it was so.

The next was the case of Pallett. He is a person, apparently, not of stable mind. He appears, if I recollect rightly, to have been upon the committee of Mr. John Peel, and to have voted for Sir Robert Peel; a person, therefore, upon whom Mr. Carmichael's plot in favour of Sir Henry Bulwer had the singular effect of inducing him to vote for a person whom he did not intend to vote for, and not the person whom Mr. Carmichael is said to have intended him to vote for. His statement of what was said to him was a very ambiguous one; it did not amount to a threat to him, but it seemed rather to be an indirect statement that if some other person in the neighbourhood, whose name does not at this moment occur to my mind, took the course of getting rid of his tenants because they would not comply with his wishes, the same must be done by Mr. Carmichael. That Mr. Carmichael denies.

The next is Walker, and with respect to him no threat whatever was made. He must have said there was before he got into the box, because he was called to prove that there was. He must have informed those who instructed the Counsel for the petition that there was a threat. This is a test of the way in which such stories are got up; because when he was put in the box and exposed to examination he wholly failed, and proved no threat whatsoever.

Then there is the case of the Clarkes, who say that Mr. Carmichael used, amongst other words, to induce them to vote for Sir Henry Bulwer, that expression that "they would rue it," using, they say, offensive terms in describing Mr. Peel, which are doubtless wholly inapplicable. They say that he said that they would repent it, or that they would rue it, if they did not vote for Sir Henry Bulwer. Here I am obliged to decide upon a bare comparison of the testimony of the Clarkes and the testimony of Mr. Carmichael. Clarke was so indignant at what had taken place, that he says, in respect of that statement being made to himself and wife, not that he was turned out, but that he himself gave notice. I must decide upon what I believe to be the character of Mr. Carmichael's evidence, and the character of the evidence given by the Clarkes. I am obliged to say, point blank, which I believe. I have no hesitation in saying that I believe Mr. Carmichael. If I were to apply the test which the Counsel in reply admonished me was the proper one to apply to another part of the case, namely, to learn all from one, I am so satisfied as to one or more, that I the more readily adopt the same conclusion in respect to this one. I believe these persons have been talking over the matter together till that feeling and that capacity for crime which they wished to believe existed in the mind of Mr. Carmichael has been worked up, first into the belief that it already existed, next that it was expressed, and, lastly, that it was expressed in the terms in which they first thought it would have been expressed if it was expressed, and believe that it was expressed now, in which case their evidence, however, to be rejected in a court of justice, may have some colour or gloss of excuse for them; but, in any case, such evidence would be wholly insufficient to establish the case against Mr. Carmichael.

Now I will make a remark, and dismiss this case with it. Mr. Carmichael was the land agent of Sir Robert Peel. Sir Robert Peel and Mr. Carmichael have both stated that he was forbidden to interfere in election matters, and that he did not interfere in election matters for Sir Robert Peel. It is alleged that he interfered for Sir Henry Bulwer, and that he did so, Sir Robert Peel looking on, and therefore that he bound them both. Glancing at the petition, I find that that was not the view which could have been entertained in respect of this matter by those who advised the Petitioners, because there is no charge whatsoever in the petition, of intimidation against Sir Henry Bulwer, either directly or through an agent. The intimidation was charged against Sir Robert Peel only; the intimidation suggested is an intimidation which would affect Mr. Carmichael and Sir Henry Bulwer through him, if Mr. Carmichael were his agent; but Mr. Carmichael was not an agent for Sir Henry Bulwer. He was a land agent, and not an election agent, for Sir Robert Peel. He was not an agent, in any sense, for Sir Henry Bulwer, and I might have contented myself, in point of law, by stating these latter facts, which clearly show that the whole of the evidence introduced with respect to Mr. Carmichael was irrelevant, and could not have arrived, in any view of the case, however unfavourable to him, at any useful end for the Petitioners; and I think I am furnished with a clue by this consideration, to the reason for that which hurt and offended me at the time more than anything that I remember to have taken place for years in my presence whilst I have sat upon the bench; that is the manner and the tone of unmerited indignity which were applied to that witness, Mr. Carmichael. Allow that his position obliges him to be strict, and his duty to be so; and allow, if you will, that he, like others whom I have known coming from the same part of the country, is somewhat cold, and hard, and

Tamworth.

angular, in matters of business. I am not to judge of his moral character, but I have known such men, and I have known them not only as truthful but as kindly as those* who could gloze, and who could be lax in matters of fact and figures, which he has not been; and I could believe of him, though it is no part of my business to judge, that upon proper occasions he can be as tender as he showed himself in this court to be patient and truthful. It would have been shabby on my part, after the attack—quite undeserved, in my opinion—which Mr. Carmichael bore with dignity, and entirely defeated, if I had failed to express an opinion upon the character of that person; probably he cares little what others think of him, especially for an expression which, in some respects, is extra-judicial; but, if it be any satisfaction to him or his friends, he leaves this court, so far as I am concerned, with the character of a trustworthy witness.

Now I proceed to consider the next topic, and this is one in respect of which it has been said that the case of Sir Robert Peel and the case of Sir Henry Bulwer are especially identical. It was sought to be made out that they were identical from the beginning; it was said that, at all events, they were identical, and to some extent they were, after the 4th of November (or perhaps after the 26th of October), when Sir Robert Peel appears to have commenced to take active measures for the purpose of securing the interest of the new voters. I shall shortly dismiss that subject. I must make some remarks upon it; because, notwithstanding the failure of proof, which was singularly obvious to any observant mind in the course of the case, it was insisted upon in the reply, at least as strongly as any of the other topics which have been urged upon the Court, that there was a joint action, amounting to mutual agency, on the part of Sir Robert Peel and Sir Henry Bulwer. Let us take the measure of the evidence to establish it: they proceeded jointly, they were jointly represented at the register. True, everybody now knows the importance of attending to the register, and everybody also knows the importance of combining at the register the forces of those who represent one side in politics likely to be affected by the result; and I have no doubt, from the notice that has been produced, and also from the probability of the thing, that Sir Robert Peel and Sir Henry Bulwer anticipated the contest which was to take place; Sir Robert Peel wishing well to Sir Henry Bulwer from beginning to end, being satisfied with his coming forward, and desiring that he should be returned with him, but not at his expense, did unite with him in taking care that the register was properly framed, and their interests attended to—that registration would take place about September. September went by, then October, and then came November. In the course of that period these gentlemen appear to have pursued different courses. Sir Robert Peel did not employ any person to come down from London and make speeches and inquiries on his behalf. Sir Henry Bulwer employed a gentleman named Haley; Sir Robert Peel did not employ Mr. Shaw before the 4th of November. Sir Robert Peel did employ Mr. Neville, in whose room Mr. Shaw succeeded on the 4th of November. Sir Henry Bulwer did employ Mr. Shaw early in August, I think the first week in August, and Sir Henry Bulwer did not employ Mr. Neville. There was no person who could be suggested as having been employed by Sir Robert Peel. It has been denied by Sir Robert Peel; he was not cross-examined upon this point, though charges were made against him upon others. There was no person appointed by Sir Robert Peel to represent him, except Mr. Neville, up to the 4th of November. Baraclough was appointed for Sir Henry Bulwer in a capacity which I must deal with presently. Soon after Mr. Haley came down, and before Mr. Shaw was appointed, witness after witness asserted that at the meetings that were held previous to that 4th of November, after which these candidates unquestionably had the same agent, Mr. Shaw—I decline to call him a common agent for the present—witness after witness was called who said he was present at meetings that were held in favour of Sir Robert Peel and Sir Henry Bulwer. Is that true? Certainly not; they were people who acted upon mere rumour; they were people who in that respect gave evidence which is unquestionably exaggerated. Meetings were held up to a certain point, and I take it, up to the first meeting that Sir Robert Peel attended, which, I think was certainly not earlier than the 26th of October, meetings were held in the interest of Sir Henry Bulwer only, and local committees were formed to get in Sir Henry Bulwer. Baraclough, the person employed for Sir Henry Bulwer, went round; he was not seen by Sir Robert Peel. Those witnesses, therefore, are mistaken; they speak in that respect upon rumour or belief, and the evidence they give, instead of establishing a joint action with Sir Robert Peel, against the clear testimony of the leading facts to which I have referred, rather shows that their evidence ought to be scrupulously criticised in other points of view. There was a reason why Sir Robert Peel did not join with Sir Henry Bulwer. He was himself sure of success. He did become anxious, and he did become alarmed, shortly before the poll, and why? I could easily imagine, as was suggested in the course of the case, and some people even thought, that Sir Henry Bulwer might come in first. I could quite understand that, although Sir Robert Peel may have thought he would come in as the favourite if no foreign horse were brought into the course, Sir Henry Bulwer might possibly get the advantage of him amongst the new voters, in consequence of the organized system which certainly was resorted to to get in the new voters, in the country districts, for Sir

Henry

* N.B. As I understand I was supposed to apply these remarks personally, I think it right to state here that I was speaking generally of the class land-agents, of which I have known good and bad, and that I did not refer to anyone connected with the Petition, whether as counsel, agent, or party.

Tamworth.

Henry Bulwer. That explains what appears strange at first, and was commented on as strange and almost incredible in the evidence of Sir Robert Peel. He had a reason for getting anxious, and when he got anxious he then proceeded to do, to some extent, what Sir Henry Bulwer had been doing before, and what, so far as I can judge from the accounts, Mr. John Peel did not resort to, or resorted to more sparingly than either of them. Baraclough was employed by Sir Henry Bulwer. Why Sir Henry Bulwer should have selected Baraclough, if he was the person who selected him, as his agent, it is difficult to divine. I suppose that Sir Henry Bulwer coming here unknown anticipated that it would be necessary to resort to the system to which I have referred, and to introduce himself at various rooms throughout the district (other rooms than those of public-houses if he could find them, which he tried to do, but in most instances failed to find), the large rooms which are usually to be found at public-houses only in the sort of neighbourhood in which Sir Henry Bulwer spoke, if he were obliged to resort to that mode of having the opportunity of bringing himself before the public, and I suppose that Baraclough being a person who himself kept a house of the description in which it might be necessary to hold meetings, was recommended to Sir Henry Bulwer by somebody else, and that it was not upon the principle of opposites coalescing, to which at first (being myself rather a man of books than of the world) I felt inclined to impute it, that Baraclough and Sir Henry Bulwer found themselves in company. Baraclough was not engaged by Sir Robert Peel, and Baraclough does not appear to have come into contact with Sir Robert Peel till after the election; and if the circumstance of Baraclough applying to Sir Robert Peel for the money to pay the 130 men, and Sir Robert Peel complying with his application, had not been introduced in evidence, I should have said there was no case against Sir Robert Peel to establish the affirmative of Baraclough representing him as agent. I must now deal with that piece of evidence as it has presented itself. Baraclough was stated in the opening to be an agent of Sir Robert Peel, the consequence of that joint system for destroying the independence of the borough. I wish to put it in the mildest form; perhaps I do not put it in the exact language; I am sure I do not put it in any language stronger than that in which it was asserted, which assertion has not been proved. He was first alleged to be the agent of Sir Robert Peel in consequence of association between that gentleman and Sir Henry Bulwer. Upon that, the evidence has wholly failed. Following the track in which I commenced, endeavouring to illustrate the law of agency, I think I may say (I am bound to speak clearly, and I will do so if I can) that Sir Robert Peel and Sir Henry Bulwer were no more answerable for the acts of their respective agents, in the position of Baraclough as regards Sir Henry Bulwer, than, if they were sailing in their respective vessels in company or under convoy, would each be answerable for the damage that was done by a collision occasioned by the negligence of the crew aboard the other's vessel. That is the broad principle of law. I shall endeavour to adopt and act upon the broad principles of law which justly apply to the facts that have been proved before me. It is a broad principle of law, that no man should be answerable for the act of another, except to the extent of the authority he has given him, or that he has allowed him to assume, or in respect of liabilities attached by the policy of the law to certain agencies in which it is thought well, for the benefit of the public, that the agent should be considered to represent his principal, whether he has actual authority from him or not, provided only he has an appointment as an agent. The rule applies, and none of the exceptions, to the present case. What was the effect of what took place between Baraclough and Sir Robert Peel? It is said, in the reply, that that made Baraclough the agent of Sir Robert Peel, by adoption. Well, I can conceive that a man may be made the agent of another by adoption. If, for instance, Sir Robert Peel were to adopt the act of Mr. Carmichael, in distraining for double rent, on those two occasions on which that remedy was resorted to, knowing what was done, he would become liable, even though he had not authorised it at the time; because it was an act which was done in his name, the character of which he was aware of at the time of the ratification. I put that by way of illustration, because, with respect to those distresses, they do not fall within my province to decide upon, as they are under the consideration of another tribunal, before which I have no doubt justice will be done; and if a mistake has been made in point of law, in resorting to double distress, which is only permitted by law in respect of a perverse holding over by a tenant against his landlord, the tenant will recover; and I heartily wish he may, if in the right, recover, and with ample damages. I refer to it as an illustration of the law of agency, by which a man may become answerable for the act of his agent, the act of a person who was not his authorised agent at the time, but who has done something in his name which he afterwards thinks proper to adopt. The rule is plain that a ratification after the act is equivalent to an authority given at the time. The rule is also plain as limited to the case in which the principal, the person sought to be made liable as principal, is acquainted with the character of the act at the time when he ratifies. Sir Robert Peel, in consenting that the men employed by Baraclough should be paid, and paid out of his money, did what would be a sufficient adoption of the act, provided Sir Robert Peel at the time was acquainted with the character of the act. Was he acquainted with the character of the act? He swears himself that he was not. He had employed, not Baraclough, but his agent, Mr. Shaw, who was also agent for Sir Henry Bulwer. Baraclough, acting for Sir Henry Bulwer, complained of the hostile feeling against him, and desired to be protected against an anticipated attack. Mr. Shaw and Baraclough described that as being a statement that a few men would be required. I think the

Tamworth.

authority given by Mr. Shaw was abused to a very gross extent by Baraclough, in getting the 130 men, but I believe that Mr. Shaw was as astonished as a man could be when he learnt that abuse, after the election was over. I am satisfied that Sir Robert Peel did not know of it. He says he did not. Mr. Shaw stated that he gave express directions not to employ voters. Sir Robert Peel says that he gave the authority for payment, under the supposition that the men had been employed, and without knowing anything of the details, and without knowing that voters had been employed. Mr. Carmichael, who made the payment on the part of Sir Robert Peel, expressed that which I presume Mr. Shaw also felt, astonishment when he was informed by Baraclough that Sir Robert Peel had authorised the payment of the 130 men for his protection, and the protection of the voters in the course of the election. But Mr. Carmichael paid because he was satisfied that Baraclough had the authority from Sir Robert Peel. Mr. Carmichael states that he did not know that there were any voters amongst them. The conclusion, therefore, is clear, not only upon the evidence given by Sir Robert Peel, but also looking at the support which that evidence has received from the circumstances to which I have referred, that Sir Robert Peel was not acquainted with the illegality of the act of Baraclough, if it was illegal at the time when he did the act, which would, if he were so acquainted, have amounted to a ratification, and that his case, therefore, does not fall within the rule of agency by adoption.

So much for the opening of a partnership in the shape of an association between those gentlemen, as it were to coerce or cajole this constituency into adopting the nominee of Sir Robert Peel. So much for the alleged agency of Baraclough by adoption. I need hardly say to those who have attended to the remarks which it has been my duty to make, in disposing of this most important case, I need hardly say to those who have followed with intelligence those remarks, that this disposes mostly, if not altogether of the case, as regards Sir Robert Peel.

I proceed to consider the case as affecting Sir Henry Bulwer; and with respect to that I think it is not improper to say, that I believe that but for the existence of this case, and the evidence which has been offered in support of it, Sir Robert Peel never would, and never could, have been subjected to the ordeal through which he is called upon to pass upon this occasion. Every assertion throughout the case has been, not that Sir Robert Peel got in by an unfair advantage over Mr. John Peel, but that Sir Robert Peel, being sure to get in by an overwhelming majority, was determined to get in some other person who was to be his nominee, and who, if that term means anything, was to be his creature, to be under his influence and to do his bidding. I have not the honour of Sir Henry Bulwer's acquaintance; those who know him will be able to say how probable that may be. I have no sufficient knowledge of his character to be able, if indeed it would be pertinent, to pronounce any judgment upon it. Suffice it to say, that any such case, however vehemently it may have been asserted upon expected evidence, which has wholly failed, is not such as to satisfy any candid or impartial or rational mind.

As for Sir Henry Bulwer, his case may be divided into two heads: first, as affecting the employment of the 130 men who were employed by Baraclough on the day of the election. It appears that either the day before the nomination, or the day of the nomination; I think it must have been the day of the nomination, because that was Monday, if I recollect rightly, there having been certain collisions between the parties; though with the exception of one broken head amongst the 130 persons who have been called such various names in the course of the inquiry, and by-the-bye, what took place at the accident when the floor came down, I think at the "White Lion," I have not heard of any injury to any of Her Majesty's subjects during the course of the election. However, there had been collisions, and there had been assaults, or what were called assaults, which were taken before the magistrates, and which they appear, I think, to have disposed of by telling the parties on both sides to go about their business, and to conduct themselves as peaceable people for the future. But there was, or was alleged to be expected, a force at the election, in respect of which Baraclough asked to have some men to protect him and to protect the voters.

Now I must deal with this first, in point of law, and afterwards in point of fact. It is not illegal for private individuals to employ persons to prevent a breach of the peace. It is a most dangerous practice, and one that ought rarely, if ever, to be resorted to. Even if the three policemen only, who at first (upon the evidence given by the Petitioners under a misapprehension, no doubt suggested, I think, upon a question of mine not at all untruthfully upon the part of the Petitioners, or the police) appeared to have been the only persons upon the scene, even if they only had been present, great blame would have attached to the authorities; great blame would attach to the authorities, and great blame would attach to the candidates who sought to supplement the law by engaging a force so large upon either side, that if a similar force was engaged upon the other, collisions were almost sure to take place, the peace almost sure to be broken in consequence of the awkward means which had been adopted to preserve it; but there would be no bribery in employing persons who were not voters. I think it would have thrown a suspicion upon the character of the election; it would have thrown a suspicion, as the employment of these 130 men threw, and even now to a certain extent throws, a strong suspicion upon the character of the election, so far as the conduct of one of the parties engaged in it was concerned, even if there had not been a single voter amongst them. And I must, in stating that (in the absence of violence or intimidation) it would not have been illegal, say that for the misconduct of every one of those

those men, any person who presumed to appoint for himself a number of persons whom he called private police, or by whatever other name he might designate them, would be answerable as their master, they being his servants. Possibly this may tend to deter any person of substance from resorting to such an expedient for the future. Happily the question of actionable liability has not arisen, because these, and whatever other persons may have been employed by other candidates, if any, turned out to be "most quiet constables," and with the exception of one of them getting his head broken no great harm appears to have resulted from their employment; it is in respect of there having been voters amongst them that the difficulty arises.

The law with respect to the employment of voters has been discussed in a great variety of cases which have come before Election Committees; I think it right, as this is the first case in which I have had to decide upon such a question as is raised here, to refer to some of the decisions by name, in order that those who may have to deal with the amendment of the law, if any amendment of it is to follow as the result of these inquiries, may be informed of what has taken place, and what is likely to be the view of those who sit here. The cases in which the employment of voters has been considered are the Leicester case in 1st *Power, Rodwell and Dew*, page 178, where the principle laid down by the Committee was that the colourable employment of voters under the pretext of giving them wages for services which were not rendered is bribery; that the colourable employment of voters for the purpose of inducing them, or enticing them, to give their votes for the candidate who employs them is bribery. The next case on that side of the question is that of Oxford in *Wolferston and Dew*, page 109, which took place in 1857, and the Hull case in *Wolferston and Bristowe*, page 87, which took place in 1859. On the other hand, there is a list of cases in which Committees have refused to come to the conclusion that the employment was colourable upon various grounds, in some of which the services, though not rendered, were expected by the candidate or his agent to be rendered, and the intention to bribe was negatived by the circumstance, that though no service was rendered by reason of the misconduct of the voters employed, service was contemplated by the candidate or his agent, and so the intention to employ by way of bribery, or as a colour and a cloak, was negatived. The cases having that tendency are, first, the Cambridge case in *Wolferston and Dew*, pages 23 and 41, which took place in the year 1868, and which is remarkable amongst the cases before modern election committees for a reasoned judgment pronounced by the then member for the county of Cork, Mr. Deasy, now one of the Barons of the Exchequer of Ireland, a gentleman of the highest business capacity, and the soundest knowledge of law, and in that case he pointed out the reasons (which are more or less applicable to the employment of the voters here) for withholding a decision of the Committee (upon the principle of the Leicester case, which, however, it recognised) adverse to the case of the sitting Member. There is then the case of Lambeth, in *Wolferston and Dew*, page 129, where the Committee also had the advantage of being presided over by a gentleman of great experience and acknowledged worth, respected by every member of the profession who has had the happiness to form his acquaintance, and sound in his views both of business and of law; that gentleman was Mr. Robert Ingham, the member for South Shields. There the Committee had to perform a very delicate task, because in the Borough of Lambeth, to which their decision applied, there was adopted an organized system of local committees and paid canvassers, treating was charged but not proved, the bribery which it was sought to put in its place, and which I take leave to say, notwithstanding the eloquent preferences which have been asserted for that crime, in point of magnitude, to treating, is in my mind at least as bad. The bribery which was alleged to have taken place consisted in the payments of members of the committees, voters who were selected as paid canvassers in the borough. Some of the small tradesmen gave their services gratuitously, other voters were employed who would not give their services gratuitously, and received various sums which it was alleged were bribes, their services being colourable. The Committee decided that that system of organized canvassing, whatever abuses it might lead to, and they are many, though accompanied by the payment of the canvassers, which might be bribery, was, under the circumstances, legitimate, and did not defeat the election, though payments were made to the voters who were employed in the course of the system. I refer particularly to those latter cases, because of the importance which attaches to them for the reasons I have stated. Then there is the case of Preston, in *Wolferston and Bristowe*, page 76, in the year 1859, where the Committee had again to consider the subject of paid canvassers, and though they reported to the House that the system of paid canvassers was, as it unquestionably, in my mind, is objectionable, yet they declined, as in the Lambeth case, to set aside the election, on the ground of the system having been resorted to. These cases throw cross lights upon the question of the employment of the 130 men, and also upon the case of treating, because, substituting treating for bribery, and bearing in mind that the Parliamentary Elections Act, 1868, directs that the judge sitting here shall act upon the principles upon which Election Committees acted, where he has no light from the rules which his own professional experience supplies him with, substituting bribery for treating, those cases throw light upon the treating, so far as it is properly to be referred to refreshments supplied to committee men engaged in the local committees, and they throw light upon the case of the employment of the 130 men so far as the number consisted of voters.

Now I must proceed to deal with the facts, and I must remember that the principle to be acted upon may be represented by this question: Was the employment of those 130

Tamworth.

men a colourable device to cover bribery, or is it to be referred to motives and to springs of action other than an intention to procure votes? Here I am brought more closely into contact with Baraclough, and I must state my view of the sort of evidence which he gave. Baraclough was represented to the court by one of the learned counsel for the Respondents, and I am deeply indebted to both the learned counsel of the Respondents for the manner and the matter of their addresses to me upon Saturday evening. One of those learned counsel would represent Baraclough as a knave. I leave out the adjectives. Another would designate him as a patriot, and certainly they had the disadvantage which advocates to a certain extent, representing the same side, must necessarily have when they differ in their views of a fact of some little consequence to ascertain the exact proportions of. It does not seem to have occurred to either of those gentlemen that though a knave is very unlikely to be a patriot, yet that it is possible that a patriot may be a little of a knave. Having said this much, I think it right at once to add of Baraclough, whom I shall treat with all the respect which is due to him, whatever that may be, taking a reasonable view of his conduct in the transaction, that I do not adopt either the one view or the other. It appears to me that Baraclough is a man of considerable activity of mind, possibly with intelligence somewhat superior to that of the generality of his fellow-workmen, who seem to make him a sort of centre. It may be not quite so superior as he may represent to himself, if I may judge from the way in which he began to give his evidence, which certainly made an unfavourable impression upon me, but which was removed towards the end. His superiority, I think, was not of so high an order as he would be inclined to raise it in his own mind; but he is a man who, for one cause or other, certainly exercises a great deal of influence amongst the body of working men, especially one class of them mentioned in the course of the inquiry; a person who, in consequence of those qualifications, was employed for the purpose of regularly organising the system of local committees for the added voters, and as it were accidentally and upon the occasion to employ some few men to protect himself, which few men were magnified to the number of 130. Why did Baraclough employ those 130 men? for that is the question to be inquired into. I believe that Baraclough employed those 130 men because he desired to gain popularity for himself, and because he desired to make a handle of their employment for the purpose of gaining favour amongst the class to which the men belonged. I believe that he did it for the purpose of making capital for himself, and I believe that in doing that he acted unfaithfully to his employer. I believe that he gave no notion to Mr. Shaw; he certainly gave none to anybody employed on the part of the Members, nor was there any means of discovering until after the election; he gave no notice that he was going to engage this multitude. They were utterly useless, and could be of no benefit to either of the candidates, so far as 101 of them were concerned, because they were not voters; their names have been given, the names of the 101, as well as the 29 who were voters, and it has not been suggested that anyone of them was a person of influence with voters or likely to bring one in. It is inevitable to conclude, therefore, that this person, Baraclough, whatever may be his qualifications, good or evil, in respect of the other portions of his employment, did, in employing those men, what was not to the advantage of his employer, what was not to the advantage of Sir Henry Bulwer; on the contrary, what has redounded in strong suspicion and some degree of discredit to the cause on the side of which those men were employed; and if after the strictest scrutiny of the evidence with respect to them, after carefully examining the list, and going through the register and the canvass book, I had arrived at the conclusion that the intention of employing those 130 men, was to engage one voter to vote for Sir Henry Bulwer, who would otherwise have voted for Mr. John Peel, I should have said this election is void. Ought I to arrive or to have arrived at that conclusion? Of those 130 men, to begin with, 101 were not voters at all, and they are not shown to have been in a position to influence voters; 19 of them voted according to promise for Sir Robert Peel and Sir Henry Bulwer; 10 who were voters and had promised Sir Robert Peel and Sir Henry Bulwer, did not vote at all; one who had promised Sir Robert Peel and Sir Henry Bulwer voted for Sir Robert Peel and Mr. John Peel; and one, Allsop, who had promised Mr. John Peel, voted for Sir Robert Peel and Sir Henry Bulwer. I ought to mention, that the 19 who voted for Sir Robert Peel and Sir Henry Bulwer, were persons all of whom had promised to vote in that way, and that the only one therefore who is shown upon the part of Mr. John Peel to have promised him and voted the other way, is the person Allsop. Of course, there was an opportunity of showing if anybody else had been influenced in a similar way. That opportunity has not been taken advantage of, and I cannot assume that it could have been taken advantage of. The question, therefore, is reduced in reasoning to this: Am I to conclude that for the sake of securing this one person, Allsop, all the other 129 men were employed? Before I answer that question, I must refer to another fact; five of those persons were called as witnesses for the Petitioner, and no one of them says that he was asked to vote against the party for whom he had previously decided to vote. Circumstance the first. Many of them stated that they were employed to do nothing. To begin with one of them; I think Farnsworth first stated one thing and then another. Several of them, upon being pressed, admitted that they attended at the poll-booths; that they had brought up voters; that they had made way for voters. It is quite obvious, therefore, that those persons have been called as witnesses before the court, who felt most favourably towards Mr. John Peel, or rather (I ought not to introduce Mr. John Peel's name so) towards the Petitioner's

tioner's view, and who have given the best and the worst evidence for the one party and the other, of which they were capable. Now, let me place this question in another way. How stands the account? £. 64 was charged for these nondescripts in the accounts. Assuming that the 28 voters only had been employed, I think even with the force of police which we learn really was present at the election, it would hardly have been said there was no object in having some such persons present for clearing the way for the voters to come up to the polling-booth, but of course the evidence, though it would have been less in point of amount, would also have been less diluted, for there would have been a removal of the 101 parts of water which go to make up the 130 of the mixture. But following that up by a reference to the figures, what is the state of things with reference to the employment of people of the description of messengers in the accounts of the respective candidates? I must turn first to Mr. John Peel's account, which I have before me. I find a charge in that account of posting and delivering bills, journeys, &c. (messengers, I presume) 79*l.* 6*s.* 10*d.* Then I find for clerks and other persons (which I do not add to the 79*l.* 6*s.* 10*d.* because the "other persons" have nothing to do with this matter), a charge of 72*l.* 5*s.* Turning next to Sir Robert Peel's account, I find a charge, independent of the 64*l.*, of, I think, 21*l.*; for messengers and booths, 7*l.* 8*s.* 6*d.*; messengers during the canvass and election, 14*l.* 10*s.*; 21*l.* in Sir Robert Peel's account as compared with 79*l.* in Mr. John Peel's account. Nobody has suggested that Mr. John Peel has been guilty of any illegal practice at this election. I am quite sure, in the heat of the proceedings, if he had been, something must have oozed out, showing he had done wrong; but if I were to compare the accounts and to decide this matter by figures, of which it is said you may make anything if you try, I should draw a very unfavourable conclusion, which is quite foreign to my mind at present, comparing the accounts of Sir Robert Peel and Mr. John Peel. But now, coming to compare each of them with the account of Sir Henry Bulwer, apart from the 64*l.*, I find the sum of 53*l.* 16*s.* in Sir Henry Bulwer's account, which amount includes clerks, those persons being, as I have already mentioned, included in the second item of 72*l.* 5*s.* of Mr. John Peel's account, which I rejected. I certainly cannot, either from any knowledge of my own, or from any experience of the character of this election that I can gain from the figures appearing in the respective accounts, come to the conclusion that the 64*l.* spent upon those people was spent by way of profusion and show, to attract voters by its glitter; and for the reasons which I have referred to, I come to the conclusion that it was an unauthorized act, done by Baraclough, for the purpose of obtaining popularity for himself, and that it was not either in respect of the question of law, or upon the established facts, an act which I can designate as having been bribery. I must leave it, however, by saying this, that it is an act in the course of this case that has weighed most heavily on my mind, which, so far as I judicially can, I reprehend and condemn, and which if I thought it had been done by Baraclough, with any view to advancing the interests of his employer, or, if I believed even that it had advanced the interests of his employer so that I must impute the intention to do that which was the natural consequence of the act, I must have held this election to be void. If such practices are resorted to, those on whose behalf they are committed must take the consequences of a less favourable conclusion where the circumstances do not allow of, or rather, I should say, do not call for, that at which my mind has arrived.

There remains to be dealt with, that portion of the case to which the greater part of the evidence has been directed, which again, though not given to view circumstances which come before me in any other than a dry way, certainly would furnish to any person who was to decide upon a simply moral view of the matter, a subject of lamentation. I allude to the evidence which has been given to maintain the case of treating. I think before I go on to that, in case anybody should be mistaken as to the mode in which I have disposed of the case of the 130 men, I ought to observe that, by the 11th section of "The Representation of the People Act, 1867," a voter who is employed for pay loses his vote. I think I ought to add another circumstance before proceeding to this case of treating. Adopting the conclusion that Baraclough meant to bribe at the election, what was his conduct according to the opening? Again, I cannot help going back to the opening, because nothing can be more true, either in fact or in reasoning, than that people are sure to diminish in the end what they exaggerate. In the opening it was said there was concealment; people were going in one by one; you heard of a man mysteriously pointing to a half-sovereign, instead of saying, "Take your wages." What is the fact in the evidence given? Why, that this crowd of people were allowed to assemble outside the tavern at which Sir Robert Peel had his committee-rooms, and that upon the very day after the election. More might be said upon the subject. I have said quite enough to explain the views in which I see very clearly that I ought not to arrive at the conclusion, however I may condemn the act, that it was an act properly designated as bribery; I think it was an act of vanity to gain popularity for Baraclough, and not an act of bribery for Sir Henry Bulwer.

I must now proceed to deal with the charge of treating. The charge of treating is a charge of extreme seriousness, and it must be dealt with with a determination to enforce the law, but at the same time with caution, to take care, not as one was invited to do on the part of the Petitioners, to "cleanse the boroughs and counties of England" at the expense of doing an injustice, and making an example of some person who has not broken the law. The first requisite is to find your corrupter, and then it will be time enough to consider what is to be done with him. If there was corruption in this case

Tamworth.

made out upon the evidence, and traced to Sir Henry Bulwer, or his agents—and for this purpose I should treat Baraclough as his agent—the election was void. The question is, whether treating in the sense of the Act of Parliament was established. In order to make corrupt treating, without reading the words of the section, it is sufficient to state that it must be treating under circumstances, and in a manner that the person who treated used meat or drink with a corrupt mind, that is with a view to induce people, by the pampering of their appetites, to vote, or to abstain from voting, and in so doing to act otherwise than they would have done without the inducement of meat or drink. It is not the law that eating and drinking are to cease during an election; eating and drinking by voters is specially provided for by the 23rd section of the Corrupt Practices Act, 1854, and that section forbids and makes it illegal to give meat or drink to voters upon the day of the nomination, or upon the day of the poll; to give meat or drink by way of refreshment, however moderate, to voters on account of their having voted, or being about to vote; and even in the case of persons being about to vote, it imposes a penalty of 40 s., only upon the person who so treats by way of fair refreshment.

Now, nothing therefore can make it more obvious than that the Legislature did not intend that every bit of bread or sup of drink given to a voter in the course of an election should have the effect of defeating that election. If the Legislature meant so, it would have said so in the section to which I have referred. It has imposed a special penalty and made such an act illegal, but it has not said that such an act shall avoid the election. What the Legislature has said in the 4th section is, that such an act, if done corruptly, for the purpose of influencing the election, shall make the election void, and that by virtue of the 36th section of the statute, which classes together bribery, treating, and undue influence, the committing of either of them by the Member or his agent shall void the election. The question therefore is, whether it has been proved that there was corrupt treating by Sir Henry Bulwer or his agents. It is admitted that there was not treating by Sir Henry Bulwer personally, but again, this is one of the admissions that must be taken with a grain of salt, because it is all very well to shuffle Sir Henry Bulwer off the scene, by saying that the Petitioners never meant to say that Sir Henry Bulwer treated personally, and by doing so to get rid of his important evidence, in which he contradicts one of the principal witnesses on the part of the Petitioners, who alleged that Sir Henry Bulwer addressed a meeting, in which there were two drunken men lying on the floor, one of whom rose occasionally upon his elbow, and hurraed or hiccuped for Sir Henry Bulwer. However, though now no formal charge is made against Sir Henry Bulwer of personal treating, I cannot forget the charges made in the Petition, and I cannot forget the evidence which was offered by a person, I think of the name of Hatton, which would have the effect of showing, if it has any effect, that Sir Henry Bulwer must have been a party to the drinking which took place at the houses which were said to have been opened, and, in one sense, opened for him. But it is said that his agents ordered drink, and ordered drink corruptly, and in the sense which I have explained. Now, I come to consider whether that is established in point of fact, and I must say with reference to what has taken place in other cases before myself, to the course there adopted, and also with reference to the saving of public time, and to the sparing of the pockets of both Petitioners and Respondents, that I think it would be well that some course should be taken (of course it must be in conjunction with the other judges who have to deal with this subject), for the purpose of in some way marshalling the evidence of treating under the direction of the Court. At Guildford, where a series of local committees were appointed, and where a great deal of evidence was given to show that there was a great number of persons, some voters, some hangers-on, some parasites who went round to drink, wherever they could find drink, and supped out of others' pots, without paying, I took the course of saying, that the Petitioners, if they thought proper to charge acts of that kind as being evidence of treating by the sitting Member or his agent, must give some evidence by calling the publicans, in order to show that the order was really given by one or other of such persons, and not call upon the Court to come to the conclusion that because there was lawful talking at the public-house, and because there was lawful drinking before or afterwards, and even to some extent during the talking at the public-house, that therefore a misdemeanor was necessarily committed which ought to be assumed from the fact of drink being supplied by the publican, and talk being supplied by the speaker. I acted upon that view there, my mind was not satisfied to connect the two, and I there decided, according to my own view—whether to the satisfaction of others I have not taken the pains to inquire—that such evidence was not sufficient. At Lichfield, acting upon that view, and desiring that the Petitioners should not be deceived as to the state of my opinion on the subject, I plainly stated that the Petitioners had better call the publicans, and let us at once know whether they could give any evidence as to the people who had given orders for the drink; that course was pursued, and the result was, that the whole truth was brought out during the Petitioners' case; and I was perfectly satisfied that though there was a great deal of drinking, and drinking for which payment had not been made, yet that that drinking was not traced to the sitting Member or to an agent of his. And I declined to apply that besom, to which I have been figuratively compared, to sweep drinking out of the borough, not seeing that by doing so I should have been doing otherwise than injustice in sweeping away along with it

it for that purpose a person who was not proved to have committed any fault against the law. In this case, though it was perfectly well known what my views were upon the subject, my brother Ballantine (probably he was justified in doing so here, because in some respects the evidence here was stronger than that in, at least, one of the places of which I have spoken) took the course of not calling the publicans, and he did indicate (and here I must do him justice for taking a course which was convenient), he did indicate certain persons whom he expected to be called on the part of the Respondents, and whom he desired to have the opportunity of cross-examining, and I took a note at the time of the persons whom he so indicated, in order to put it in that way to watch whether there was any flinching upon the part of the Respondents, or any keeping back of evidence, such as I was sure would be charged upon them in reply, and was to a great extent charged upon them, for the purpose of being able to check that evidence when it was produced. Those persons were, and it is right to bear it in mind, the publicans, Radford or Preston, Job, Proudman, and Clamp. Preston was the person who kept the "Red Lion," at Fazeley. At first, the name that was mentioned was Radford, and it was only when it was stated that Radford had taken poison, and that Mrs. Radford could not possibly attend, because she was looking after him, that the name of Preston, I think, at my suggestion, was substituted for Radford; but the persons, in the first instance, called for and challenged to be produced were Radford, Job, Proudman, and Clamp. I rather think they have all been produced. I have read through all their evidence, and there was also produced a witness who turned out to be more important than any of them. That was the witness Moore, who may be comprised with Job. Therefore, there was no keeping back of evidence on the part of the Respondents. It is quite a mistake to suppose, as the learned Serjeant seemed to do in reply, that he had established any case of suspicion by concealment on the part of the Respondents. I must deal therefore with the evidence as it stands, being satisfied that the agents on both sides have exercised their utmost ability and diligence in bringing forward and laying before me every shred of evidence which could possibly assist me in coming to an affirmative conclusion in the matter. Now, this is a part of the case upon which the Court has been especially invited to adopt what was called those broad or wide views which it was stated were appropriate to proceedings of this description. There are certain views, broad and wide, but nevertheless, deep and sensible, which are applicable to this and to all cases of circumstantial evidence. There is one principle of the law of evidence which may be said to be universal, that first ascertaining upon whom rests the burden of establishing the affirmative, you ought to judge of a case just as much by evidence which might have been produced if the affirmation were true, and which has not been produced, as by the evidence which has been laid before the court. In other words, that no amount of evidence ought to induce a judicial tribunal to act upon mere suspicion or conjecture that some evidence might have been given by the Petitioner which he has not thought it to his interest actually to bring forward, and to act upon that evidence, and not upon the evidence which really has been brought forward. The second principle which is more particularly applicable to circumstantial evidence is this—that the circumstances to establish the affirmative of a proposition where circumstantial evidence is relied upon, must be all, such of them as are believed, circumstances consistent with the affirmative, and that there must be some one or more circumstance believed by the tribunal, if you are dealing with a criminal case, inconsistent with any rational theory of innocence; and, where you are dealing with a civil case (otherwise expressed, though probably the result is for the most part the same) proving the probability of the affirmative to be so much stronger than that of the negative, that a rational mind would adopt the affirmative in preference to the negative.

Let us apply these principles here; who are the witnesses to whom they are to be applied? I have been at pains to read through the evidence in this case, not because I expected that it would affect the impression which it made upon my mind when it came from the witnesses in the box, but with a sincere desire to add to the information which I had picked up from the witnesses as they went through the examination, to correct my memory where it was erroneous, and to supply it where it was defective; and I find that, in addition to the witnesses who it seemed to me could have been called by the Petitioners, and were not called, but who were alleged to be agents without any proof whatsoever, or were assailed in points other than those in which their conduct could possibly affect the result of the Petition, there were many others. Those witnesses are Handley, Cotterell, May (some of these may have been called, but the majority of them were not called), Hunter, Young, Clements, Elliott, Ruffe, the umbrella-man in Church-street, Walker, Linford, Davis, of Two Gates, with his 6*d.* to the 3*d.* of the others, who treated the men that happened to have nothing in their pockets, who were allowed to sup out of other people's vessels; Miller, Sam Brookes, Webster, about whom that story of the leg of the bench was introduced, and Emanuel Stevens. With respect to those witnesses, as none of them have been called, and as no evidence has been given with respect to the majority of them on the part of the Petitioners, with the exception that they were present, and some of them were present under circumstances in which they must have observed and perhaps intended treating if it really took place, I must assume that no one of those witnesses could, if called, have assisted the Petitioners. With respect to one of them, Mr. Ruffe, he occupies a position that really makes it unnecessary that I should make any remarks upon his character; he is known to his fellow-townsmen; he seems to have been elected twice Mayor, if I understand the evidence. If his

Tamworth.

fellow-townsmen think he has done anything wrong, I have no doubt he will hear of it. Mr. Ruffe was alleged to have been present at treating at the "Carpenters' Arms," on Friday, the 13th of November 1868, some few days before the election—the very Friday before the Monday upon which the nomination took place. He unquestionably took an active part for Sir Henry Bulwer before he was re-elected Mayor; he had a right to do so. A man does not wash his hands of politics when he accepts office, with the one exception of the office which I am now discharging. Up to the time when he was elected Mayor, I do not understand what has been said of Mr. Ruffe. If he was an agent, prove it; if he misconducted himself as an agent, prove it; if he allowed treating or undue influence, prove it, or do not assert it. In the case of a Petition in which he might have been charged with misconducting himself as returning officer, and in which no charge has been made against him, I really do feel quite mortified that any person connected with the profession of the law, and occupying a prominent place in it, could have been so far misled by his instructions, as of course the learned Serjeant must have been misled in this respect, as to make such serious assertions with respect to a person who had no opportunity of defending himself, as have been made against Mr. Ruffe. But is it true? Yes; it is said it is true, and four witnesses proved it. Three of those witnesses state that he was there, and that he did give the health of Sir Henry Bulwer,—he, the returning officer, in a beer-house just before going to act as the representative of the State upon what ought to be the solemn occasion of the election of a Member of Parliament. Those three people—Blood, Beard, and Needham—alleged that he was there, and that he gave the health, I think, three times; that he sat in the chair and misconducted himself in the way he would have done if he had done as they described. Clamp, the landlord, on being asked, said, yes, he was there, but not he, one Lee was in the chair, and there was no health given. He was there for a few minutes to speak to Mr. Burgess, and then he went out; that is the fourth witness that brother Ballantine referred to. We have Mr. Burgess as a fifth. Every one of them said Mr. Burgess was there. I pondered in my own mind whether I should call upon Mr. Ruffe as a witness. I did not do so because, in the first place, he might have been subjected to the same sort of treatment which caused me pain as applied to Mr. Carmichael; but, in the next place, for this reason, that it would appear if the judge called upon Mr. Ruffe, not as if he were calling him because he disbelieved the story, and gave Mr. Ruffe an opportunity of contradicting it, but as if the judge believed it himself. I did not believe it; and it turned out I was justified, because Mr. Burgess, by far the soberest and most trusty-looking man of the body of five from whom that evidence as to Clamp's beerhouse came, being put into the box, stated that it was a mistake, and that the men were thinking of another occasion altogether. It appears that a municipal election was, to apply a big word to a comparatively little subject, raging contemporaneously with the Parliamentary election, and that that meeting with reference to the municipal election was held at that place some time in October, upon a Friday, the same day of the week, and just a fortnight before the meeting of the 13th of November, at which it would have been wrong for the Mayor to have been present and to have done what he did. Mr. Burgess, who made four speeches upon the occasion, under circumstances of a character which made an impression upon his mind, and who cannot be wrong, and who must be telling a falsehood if he speaks inaccurately, because he speaks circumstantially, whereas the others may all be mistaken without discredit to their honesty; Mr. Burgess says that it was upon that occasion, and not upon the 30th of November, that Mr. Ruffe was present. He further adds that he did not propose healths upon the occasion, and I certainly thought one or two of the witnesses who said he did, seem to have a very indistinct notion of what proposing healths meant. One of them was no scholar, he told us, and possibly they might all of them have confessed the same if they had been candid; but I very much doubt their power to draw a distinction between a toa stand a speech, and I am not at all sure that they are people upon whom I can rely, either from their state or from their observation, for drawing a minute distinction between the municipal and the Parliamentary election. It is quite clear that as to that subject we have a test of truth—a test to determine whether the evidence which has been given is exaggerated or not exaggerated.

Now I will pass on to consider the case with reference to the second broad rule, as applied to evidence expressed in legal inquiries, where the judge has to remind the jury of what ought to guide them, but instinctively acted upon by every thoughtful man in his own concerns of importance. Let us apply that rule to the circumstances brought forward and see whether, assuming that they are, and I think they are, consistent with a great deal of drinking having taken place, as I was early satisfied in the course of the case, and consistent with that drink having been ordered by persons who would compromise the Member, because it may have been so ordered, and on some occasions there was evidence that it was so ordered—treating the first branch of the rule as having been thus put out of the way and disposed of satisfactorily by the case made on the part of the Petitioners, but subject to the opposing evidence for the Respondents, let us deal with the second, and see whether there are credible circumstances in the case so inconsistent with the conclusion that the beer was not ordered by the agents of the Member, or was not ordered under circumstances in which it was intended to or could influence the election, that the court ought to arrive at the affirmative rather than at the negative conclusion. Here, again, I must refer to the opening. If the opening had been proved to the

Tamworth.

the extent of a single pot of liquor being supplied to a single voter by any proved agent of the Member, under circumstances in which I could be satisfied that it was intended thereby to gain the vote of that man, this election must have been declared void. I shall consider presently whether evidence to that effect has been given. But I go further: had the opening been proved in respect of another proposition, which was laid down with equal confidence—namely, that there was general drunkenness throughout the borough, or any great part of it—though it could not be traced distinctly to the Member or an agent of his, if it produced obvious demoralisation to an extent which must have influenced the election by producing the vote of one or more of the constituency in favour of Sir Henry Bulwer, who would otherwise have voted for Mr. John Peel; if it had been established, I should have considered that a strong case had been made, to be rebutted on the part of the Respondent. I desire to say, and I take the opportunity of doing so the more readily, because it should be known that the judges are of one mind upon this subject, I entirely concur in what was done by my brother Martin at Norwich, where it appeared that large sums of money were spent—half-sovereigns distributed to almost anybody who desired to ask for them in certain districts, finding their way to the hands of voters or persons connected with voters, and that there was the circumstance of a person fairly traced by the evidence to connection with the Member being out of the way in a mysterious manner, I entirely agree with him when he said that no man who laid claim to common sense could come to any other conclusion than he did upon the facts that there was bribery, and that although the Member was satisfactorily proved to be entirely innocent of it, that that bribery must have come, and ought to be concluded to have come, from a person who must have been an agent of the Member, or, at least, whose act must have been known to and connived at by an agent of the Member; and, therefore, the seat was forfeited. General bribery unquestionably, from whatever quarter it comes, will vitiate an election, even without proving any such connection, probably because of the propriety of acting upon the presumption that it must have been from some person so interested in the Member, or so connected with his agents, that it ought to be attributed to the one, or at least to the other. It has been said that the same law applies to general treating. I desire to abstain from giving any opinion upon that, because I observe that, in one of the cases to which I have already alluded (the Lambeth case), the committee, acting upon sound advice, no doubt, stated that there was a distinction between bribery and treating; and committees, notwithstanding they were empowered to, and generally did, go into evidence of bribery in the first instance without requiring evidence of agency to be given, appear latterly to have taken the course—no doubt with a view to that marshalling of the evidence which one must consider, I think, some means of effecting for the advantage of suitors in these Courts; the committees appear to have arrived at the conclusion that it was better, in case of alleged treating, that agency should be proved first, and they did so on very sensible grounds, which I will deal with in a moment. But I must first dispose of this case of general drunkenness—men, women, and children drinking as they pleased. I do not know whether the expression was used, but I have an impression upon my mind that the word “rolling” was used; I rather think the term “rolling in the streets” was used. I dislike dealing with an expression which is a very good one and a very true one, when the facts are so; but it is an expression which, if it was not used in this case, is a sort of expression which would be applied to a case of general drunkenness. Where general drunkenness is resorted to on the part of the Member, there is this distinction between it and bribery. You have people commonly brought up drunk to the poll, as, I think, was the case at Bewdley; you have drunkenness continued up to the time at which it is likely to influence the vote of the man who is so vulgar-minded that he will sell himself for drink. If you make a man drunk to-day, the election being about to take place upon the 1st of March, it may, or may not, incline him in your favour; he may be your friend in his maudlin state, but when he comes to his senses the next morning, and feels a huskiness in his throat, and has got rid, more or less, of his vice of yesterday, if he were of my mind he would rather feel disposed to be indignant at the person who he discovered had been endeavouring to win his affections with drink; he would form a very mean opinion of the man who endeavoured to get him to vote upon the 1st of next month by making a hog of him on the 15th of this month.

That is not so with bribery. You give the man the money; he has had the advantage of it; he has committed the odious offence, but he has at least the advantage of retaining, and of spending for himself the wages of his iniquity. Drunkenness, in the way of general drunkenness, with a view of influencing the election, according to my reading, and according to what I can imagine rather than have seen of scenes of this description, would be drunkenness operating upon men at or near the time when you wanted them to come up to the poll to give you votes; and, therefore to prove that this borough was generally made drunk in the first week in August in order that people might be induced to vote upon the 17th of November, requires drawing a much more far-fetched conclusion than to say that each man got a 5*l.* note in the first week in August in order that he might vote on the 17th of November. It is possible that this distinction may be too subtle for practical application; though, indeed, no argument is too subtle which is founded upon true premises, and in which no fault of reasoning can be discovered.

It is very material, therefore, to consider what was the evidence of this general drunkenness; and upon reading the evidence from beginning to end, I find that general drunkenness is not only not proved to have taken place, but it is proved not to have taken

Tamworth.

place; and in various ways. In the first place, the only person who pretended to give evidence of it was the chief and main witness upon the subject of the drinking that actually took place—a man who has been contradicted over and over again by other witnesses, who are worthy of reliance, upon different points; a man who stands alone in his statement of the general drunkenness, and that statement was elicited from him after several questions, to the first of which he answered that the drunkenness consisted in the “regular characters,” I think he said, indulging in that vice; and at last he said that he never saw more drunkenness during the 17 years he had lived at Fazeley (Fazeley was the place selected) than he had done during and shortly before the election. Is that true? Let me apply the first test—the broad view, that you are to judge of a case as much by that proof which is not produced, and which might have been produced if it existed, as by that which is proved. Who would have known if there was an extraordinary state of drunkenness at Fazeley during the period referred to by Hatton? Of course, as Mr. Keane observed, the police, who have to look after drunken people, and to take care that the peace is not interfered with by them; and the police were not called, that is to say, they were not called upon this point. On the part of the Petitioners one policeman was called, Lester, for the purpose of proving that there was no commotion in the borough, and who actually left the Court with the impression that there were only three police during the period of the election, an impression which again I say I am sure he did not mean to suggest; but it did not occur to him at the time that we were speaking of different things. He said so, and not one word was asked him about any such state of things as general or any drunkenness; and that is a witness called by the Petitioners, whose evidence was, no doubt, taken down, and who might have been interrogated as to every matter which it could be material to prove. So much for the absence of evidence. There is an absence of anybody else than Hatton. Women were suggested to him, but he would not make women drunk, far less children. According to the opening, women and children were drinking. One other person did speak of women drinking who had children with them, but that I think was upon the occasion of the drink that was given after the work at “Job’s Barn,” where unquestionably there was general drinking, in which anybody to whom no objection existed no doubt was allowed to join. So much for the negative, the absence of corroboration which might have been given. Let us test Hatton’s evidence in another way; what evidence is there to the contrary? Mr. Rowbotham was called on the part of the Respondents; Mr. Rowbotham must have known of it if it existed. There was another witness who heard a noise in his bed; I pass that over. If I were to refer to every petty circumstance that I have had to weigh and reject in the course of considering this evidence, I should be attempting a duty almost like reckoning the sands of the sea, and very little more useful. So much for Mr. Rowbotham. This causes one to suspect what at first one did not at the time suspect, that Hatton is not very accurate in his statements. One desires, therefore, to compare what he said with the evidence of other witnesses, and to see how it agrees with it. He is the person who speaks of Mr. Burgess; another person, whose name I forget, and Barraclough, being present at the “White Lion.” I say nothing of Barraclough, because I think in the respect I have pointed out, he allowed himself to do a thing which was wrong; for that reason only I leave out any reference to his evidence upon this subject. I have again the evidence of Mr. Burgess. I have a distinct contradiction between Hatton and Mr. Burgess as to what took place at the “White Lion,” because Mr. Burgess says no drinking went on to which he was a party, nor of which he had any knowledge; there was no drinking that could be called treating while Mr. Burgess was there, though at first Hatton said the drinking was after the speaking; he, in order to prove that the act was by the agency of Barraclough, said that he went out of the room in a mysterious manner, and soon afterwards drink was brought in, and that that drink was there while Mr. Burgess was speaking. That is contradiction the first; upon a small matter it may be, but still a contradiction. There is another witness; compare Hatton’s evidence with that of Sir Henry Bulwer. I have arrived at a period of life when men do not find it easy to learn new arts. I have had to study the art of deciding upon facts, and I desire to say, if it is at all interesting to those who may have to practice before me hereafter, that I never will permit my mind to be influenced by a suggestion against the veracity of a witness upon a point as to which there was an opportunity of examining him whilst in the box, and as to which no cross-examination has been administered. I have said that, in another form, of Sir Robert Peel; I say it here of Sir Henry Bulwer. I am not acquainted with either of those gentlemen, and I must judge of them by their conduct in court. As Sir Robert Peel was not asked any question to establish the graver charge which lurked under that which was laid against him, so Sir Henry Bulwer is not cross-examined, or not cross-examined with any effect as to the circumstance of his witnessing the disgraceful scene to which he is alleged to have been a party in addressing an assembly, of which those two drunken men formed a part. He says no such circumstance occurred; he says so in a manner, and referring to details which satisfy me that it could not have occurred without his knowledge; and in this respect, therefore, Hatton is contradicted. He is contradicted by another witness, who is apparently worthy of belief, he is contradicted circumstantially, and there is no effected cross-examination of the witness; whom am I to believe? Of course, Sir Henry Bulwer, and not Hatton. Then, moreover, he is contradicted by Mr. Carmichael, whose name I introduce for the last time, because Hatton, I think, is a witness, who in addition to the evidence which he gave of treating, was called for the purpose of showing that Mr. Carmichael had made

made use of some menacing expression as to what he would do with the tenants in case they took part against him or in case somebody else treated the tenants badly for taking part against him. Here is another confirmation of Mr. Carmichael, and here is another condemnation of Hatton, because again I say if Mr. Carmichael had been the knave to do what is suggested in respect of the poor people he was accused of having oppressed, in addition to the acts of folly which I am called upon to believe as against him, and which I have detailed, we are to suppose that he was guilty of the further act of folly in boasting of what he was doing, or about to do, to a person like Hatton. Hatton is a single witness to general drunkenness not sustained by any other witness on the part of the Petitioners, contradicted by four persons upon whose testimony certainly I place more reliance than I could upon his, and whose testimony taken together is an overwhelming answer, not only in respect of those circumstances as to which he has used misrepresentation, but sufficient to throw suspicion on the whole of the evidence which he has given. And, again, if instead of the jog-trot rules of law, I am to adopt as called upon in the reply, the rule of learn all from one, instead of judging of each according to his own individual merits, if I happened to be a hasty man, I might at once sweep away this class of evidence by saying "One of your witnesses who was called to establish your graver case has wholly failed both as to facts and time, he has been proved guilty of gross exaggeration; he has been proved to have misrepresented a variety of circumstances, therefore all your witnesses ought to be treated in the same way and disbelieved." There is however a point of view in which, in this case, I ought to judge of all by one. I think in respect of that part of the case where the Petitioner has failed, I ought narrowly to inspect the case of the Respondents for the purpose of seeing whether it supplies those gaps which the Petitioner's case, viewed in the way which I have rather indicated, I fear, than explained, does unquestionably present, and I especially refer to the specific evidence which has been given with respect to the various acts of drinking. I will take Mr. Shaw, and I will dismiss him from the case. Women were treated. Who treated them? Shaw, unquestionably. Shaw was the agent of Sir Henry Bulwer, therefore, Sir Henry Bulwer's election was void. Is it? Were they treated in order that they might influence their fathers, brothers, or sweethearts, which unquestionably would be corrupt treating, and would void the election? It appears that early in the system of canvassing adopted at the public-houses, whilst Sir Henry Bulwer was speaking, or trying to get into the room to speak, having first failed in securing the school-room, which he had attempted to secure up to 6 o'clock in the evening (in respect of which there is another contradiction, I do not pause to add to those which already exist), a number of factory girls, attracted, as girls would be by a crowd, in any place where there is excitement, probably wanting to hear the great man from London speak, or drawn there by the novelty of electioneering going on, appears to have collected at the "White Lion"; and they appear to have teased Mr. Shaw in the passage, and Mr. Shaw, instead of resenting the interference with his liberty, ordered, as he stated—and I believe him—not at all for the purpose of corrupting these girls, but for the purpose of getting them out of the way, attracting them so that they might leave the passage, and go into a more convenient place, ordered them 2s. worth of beer, which was taken into a room, into which they gradually flocked, and no more was heard of them. If I am to learn all from one, what sort of state would the Petitioner's case be in to prove the treating of these women? Other women drank. Take the evidence of Moore; Moore and Job may go together; but I take the evidence of Moore, because it is more distinct. Much has been said about Mrs. Moore not having been called on the part of the Respondents—not having been called, when it was stated by Croxall, one of the Petitioner's witnesses, that he had seen Baraclough, and that on the suggestion of Baraclough, he went to Mrs. Moore, and ordered some beer. That would be all very well, if no evidence had been given to explain the transaction; but it might have been a circumstance of suspicion, if not of proof, and the first rule I applied might have been retorted upon the Respondents. But I must observe, that having read the list of those persons whom Sir Henry Bulwer was challenged by the Petitioners to produce, I find that Moore's name is not in the list. That list consisted of four; Moore was not one of them. Job was one of them, and he was called; Moore was added by the Respondents, and I wondered at the time to myself why Sir Henry Bulwer was so unwise as to put a man into the box whom he was not challenged to produce, and who might, perhaps, prove something against him. The old habits of an advocate suggested that thought to my mind, though I kept it to myself. I was bound to listen to what Moore was going to say; but it soon appeared why Moore was called, because, in respect of the treating to which so much importance has been attached—spoken to by Croxall for the purpose of fixing Baraclough as the man who ordered the beer—the explanation is this: Moore had to prepare "Job's Barn" (if I recollect rightly, Moore is connected with "Job's Barn"); Moore is a man who had not a stable or horse-corn, and had to resort to Job when he wanted them. Moore was called for the purpose of showing that the drinking which took place there, and which unquestionably took place to a large extent, and, I daresay, from buckets, as alleged, was drinking which occurred under these circumstances: "Job's Barn" was a place not fitted for a popular assembly; Moore undertook to make it so, and a number of people in the neighbourhood lent a hand, and assisted Moore to fit it up. He took lamps there, and took down the door, either to make a flooring, or to allow of the people's easily getting in and out, and there was a great deal of preparation which in the end he represented to Mr. Shaw was worth in labour some 3*l.* or 4*l.* He was the person to whom 10*l.* was paid. To that 3*l.* or 4*l.* was added 3*l.*

Tamworth.

or 4 *l.*, representing another occasion upon which the same barn was used, which would have made 7 *l.* or 8 *l.*; and then Moore appears to have asked for something for himself, or, it may be, and I rather come to the conclusion that it was, he asked for something for himself to be added, in order to make up for the expenses as well as the trouble he had been at upon the occasion, and upon the whole he was paid the sum of 10 *l.* That was in order to explain the drinking going on at Moore's. What had Moore to do with "Job's Barn"? How came there to be drinking at Moore's when the meeting was not there? Must not it have been a sort of chapel of ease to "Job's Barn" for the purpose of drinking? Moore gave the explanation, which appears to me, I own, to be a perfectly natural one. I think the 10 *l.* did include a charge for beer supplied at Moore's, and there was a like supply at Job's upon that occasion. It may be there was beer to the extent spoken of by Croxall. It may be—Baraclough does not admit it, but it may be—that there was beer ordered upon the occasion; but the evidence of Moore shows that the occasion was a special one, that the beer represented so much labour which was rendered to him by the people who assisted him in order to do that which Sir Henry Bulwer was entitled, and I think bound as a gentleman, to pay for, because he had the advantage of it; that the beer was given away as a sort of acknowledgment of the assistance that had been rendered, and was not given away to purchase votes. I will refer to another occasion to which great importance has been attributed, no more importance than it deserved, and I think that that, with Moore's, may be taken as fair specimens of the sort of cases which those of which we have the most distinct and satisfactory evidence have turned out to be when they came to be examined: I refer to the case of the "White Lion," at Fazeley. I was rather afraid—I mean afraid lest the interest of truth should suffer—that Mrs. Radford or her husband would not have been able to be present, that I should to some extent have been obliged to walk in the dark in deciding this case of the "White Lion," but that fear I am happy to say was removed by Mrs. Radford being able to attend, and I think there is now distinct evidence of what took place at the "White Lion." At the "White Lion" unquestionably there were meetings, very many meetings; at the "White Lion" unquestionably there was drink, and that drink has I think also been proved by more trustworthy witnesses than Hatton to have been partaken of by persons who did not pay for it, a large proportion of whom I noted especially, because I wanted to ascertain whether there was any corruption in fact in this case, whether the election had been affected, I will not say by the speaking, but by the drinking, a number (of whom I counted, I think, up to 14) appear to have been so little influenced by this drink, to which so much has been attributed, that they voted for Mr. John Peel. I think I am right in that. I counted up to 14; I will answer for a dozen. No doubt such drinking did go on and went on at the "White Lion," and no doubt the "White Lion" was a place where meetings were held, public meetings as they have been called, at which Sir Henry Bulwer addressed the electors, and also meetings of the local committee, presided over by a witness who has been called for the Respondents, whose name I will not stop to ascertain at this moment, for the purpose of advancing the interests of Sir Henry Bulwer. In respect of the payments that were made at the "White Lion," I find a charge of, I think, 20 *l.* allowed to Radford. £.20 was allowed to Radford, and 5 *l.* to Preston, the other man at Fazeley, the landlord of the "Red Lion," where meetings were also held for one or other of the purposes to which I have referred. I believe that that 20 *l.* does represent to some extent drink. I believe that when the accounts came to be squared, what Sir Henry Bulwer (who appears to be a man of a collected mind and to express himself with accuracy) stated the other day his directions in the case were complied with, and I think that his suggestion that though there might be a doubt about it, fair refreshments might be allowed to the committee men, was acted upon in the payment of that 20 *l.*, and I believe that does include, like Moore's account, an amount for beer. I believe further that a very much larger amount of drink was supplied gratuitously, that is, without payment at the time, at Radford's public-house; and it may be also—though I ought not to say I believe it, without rather more investigation than I have been able to apply to the evidence, but there are grounds for believing it,—I will assume that drink was supplied to an extent something like what was spoken to by Mrs. Radford, probably it may have been as much as 200 *l.* worth. Here I have indeed a case which is worth considering. I have the one case to which it is unnecessary to apply the rule that from one you may learn all, because if that quantity of drink had been proved to have been supplied at Radford's by the orders of Sir Henry Bulwer or the agent of Sir Henry Bulwer, I must have come to the conclusion that it was supplied with the intention of influencing the electors of Fazeley. I think the supply of so large a quantity of drink as that, if traced to Sir Henry Bulwer or his agent, would undoubtedly have compelled my mind to arrive at that conclusion, and I must deal with this case a little minutely. Apply the second rule. There are circumstances consistent with and raising a strong suspicion of treating within the statute at the "White Lion." Are these circumstances so inconsistent with the negative of that view—namely, that the supply was not by the orders of the agents of Sir Henry Bulwer, and with the intention to influence the election, that I ought to adopt the affirmative instead of the negative? What are the circumstances? A suggestion by Hatton, upon whose evidence I have already commented, that Baraclough ordered some beer at the first meeting at the "White Lion," and afterwards ordered some beer at the "Red Lion," with all the contradictions of Hatton to which I have referred; a suggestion by Croxall with respect to Moore, upon which I have already commented, as to the beer supplied, which has been, I think, satisfactorily explained away;

Tamworth.

away; and the evidence to which I shall now refer, contradiction by Baraclough (as he is the person implicated I will not profess to say that I should attach any great weight to that, standing alone); evidence given by Sir Henry Bulwer that he prohibited from the beginning any resort to corrupt practices in the election; evidence by Mr. Shaw, whom he employed early in August (and who, as I said before, is almost the only person who has received a compliment at the hands of the counsel for the Petitioners, and, of course, upon instructions), that he did his best to avoid any such vice, and that when he heard that drinking had been going on he issued a circular, rather late in the day no doubt, in November, but connected with and confirming his previous verbal instructions, that no such practices should be resorted to; a witness produced who is interested in making out that Sir Henry Bulwer, through his agent, was liable to pay a sum, the larger it is the less likely is the person interested to withhold information with respect to agency for Sir Henry Bulwer at this stage while the sum remains unpaid. That person is Mrs. Radford; she confirms Barraclough as to no orders having been given by him, and she states that the only person to whom she can point as having given orders for drink at the "White Lion" was a person of the name of Handley, who was called the sawyer of Sir Robert Peel, but who was not proved to have had any other connection with that gentleman, and certainly none affecting his position in this election, and who was no further connected with Sir Henry Bulwer than by being a favourite of his; a person who is asserted, but who is not proved by any evidence, to have been the agent of Sir Henry Bulwer. But then it is said, and properly said, an appeal is made to the probabilities of the case—how improbable it is that those persons, the Radfords, would have supplied so large an amount except upon the orders of likely people. Let us inspect that, and see what the true proportions are of that appeal to probability. And here I must observe that this is one of the perils that environ Members who resort to this contrivance. I do not say contrivance in the sense of blame; it is quite out of my province to make any personal remarks at this part of the case, and I use it because a better word does not come to my mind—but this dangerous practice of organizing canvasses at public-houses—that practice was resorted to on the part of Sir Henry Bulwer unquestionably at eight places, all of which Sir Robert Peel appears to have visited at a later period of the canvass, and at some of which, if not at all of which, he incurred bills for rooms though not for drink. When the time came for meetings to be held, at which he addressed the electors at those eight places, but at many more houses, if I can judge, than were visited by Sir Robert Peel, Sir Henry Bulwer did hold meetings from the beginning of August, from time to time, down to October, when either he, or persons on his behalf, did speak, and did do various acts for the purpose of advancing his interests at the election. There was an organization like that in the Lambeth case, which might shortly be described thus: Workmen's committees were formed—respectable persons, who could be relied upon and trusted to preside at those committees, and to set on foot a canvass of the new voters—who were some of them working men in factories and some in foundries, some being engaged in agriculture—on behalf of Sir Henry Bulwer, and I think it may be taken that at the committees which so met there was beer drunk, a part of which is represented in the amounts which were allowed under the terms of fair refreshments when the bills came to be paid, upon the part of Sir Henry Bulwer. I have no doubt there was such an organization, and that such a plan was resorted to; I call that a dangerous practice.

One of the perils to which Members are exposed is this: persons who are no voters at all, who have no interest in either party, and who only care to swig at other people's expense wherever they think drink is going gratuitously, go round to such meetings, and are allowed to go in under the mistaken notion that they are voters on legitimate business with the committee, or out of good nature not liking to object to them. I should think nobody would like, from his appearance, to object to the pensioner who was called, who appears also to have a stout way of conducting himself when people do want to stop him, because somebody called "Chicken Brown," failed to stop the military man when he tried to get into the meeting. The Member is exposed to a number of persons of that sort, dropping in and drinking what they do not pay for, and then making a great show of it when the trial comes. If you could get 10 people who went round to the 27 houses, at each of which 10 meetings were held, you might get 2,700 pieces of evidence; and if you could disarrange it, and mix it up and down before the judge, more or less, and he is too lazy or too little perspicuous to be able to reduce it to its natural order, and to see exactly what it all means, you would run a very great chance of his assuming that sweeping character which it seems to be the fashion to invite judges to assume upon these occasions. The indiscriminate application of the besom may, for aught I know, put an end to some malpractices; but it certainly will put an end to all ideas of justice or fair play in these proceedings unless it be applied with discrimination and according to law.

Another peril is this: committee men who are employed, and who it has been assumed may be supplied with fair refreshments, never ought to be. The Lambeth people were wiser than the Tamworth people turned out to be in this way, for they did not allow their committee men to have drink, for the obvious reason that it was sure to lead to excess. The committee men are almost sure to bring occasionally a friend or two, and to introduce them under the same circumstances as the intruders and parasites to whom I referred as the first class of perilous people would have introduced themselves; and these again form a body of witnesses who add to the mass of evidence, out of which the judge has to extract the three grains of truth, or whatever number he may think are to be found in the

Tamworth.

mass of evidence—that is, as well as he can—without any suggestion upon the part of the Petitioners of any safe path through the wilderness of proof.

There is a third peril, and here I speak of what I know, because I speak from the experience that I have gained from the books, and also from my own observation. It must be now some 31 years, it was before I was called to the bar, that I remember to have heard a case argued in the Court of Exchequer before the judges there, and it impressed itself upon my mind by an odd circumstance, because I think if it be in the books and be referred to, it will be found that a publican could not fix the Member because he could not prove the agency; and then he brought an action against the person who had given the order, and he failed because that person, when he gave the order, was proved to have given it in the name of the Member; and it was not negatived in that action that there was authority from the Member; it struck me as being so odd an antic of the law—I was not called to the bar at that time—that it has fixed itself upon my mind ever since; upon looking at the reports of election committees it will be found that similar instances have occurred over and over again where the seats of the Members have been seriously endangered. The third dangerous class to which I was about to refer, is the class of the landlord himself, who, being called upon to lend his room for the purpose of holding meetings there, and having, it may be implied, authority to provide fair refreshment to the committee during their labours, which could hardly have the name of treating affixed to it unless it were excessive, takes upon him, either without any orders at all, upon the chance of being paid by the candidate if he should turn out to be successful, upon the chance of the candidate not liking to have an inquiry made which may result in a charge of treating, whether successful or not, especially if the tribunal were an uncertain one; or, being satisfied to act upon the orders of persons who do not even profess to represent the Member in addition to the drink which he is authorised by the Member or his agents to give, allows a long score to be run up, for which there is no authority at all. I will conclude by saying that, upon the evidence of Mrs. Radford, especially, that Handley was the only person who gave orders, and those as to some beer, and that Handley did not profess to give the order by the authority of anybody, and that if he did there is no proof that he was the agent of Sir Henry Bulwer, I arrive at the conclusion, and I do so without hesitation in my own mind, that the beer which was supplied in excess at the “White Lion,” is not proved to have been supplied upon the order of an agent of Sir Henry Bulwer, and that therefore there is no proof of corruption in that respect against Sir Henry Bulwer or his agent.

I have gone through this evidence, as I stated, with care, and I have taken out a variety of circumstances, all leading my mind to the same conclusion; if there are any that have struck me forcibly in support of the opposite view of the case, I hope it will be believed—I know it will be by the members of my own profession—that I should have brought them forward and discussed them with equal point and allowed them equal weight, as those to which I have adverted in inclining my mind to take the negative rather than the affirmative view.

The only other circumstance to which my attention has been much called, is to the question whether there really is proof that Sir Henry Bulwer made use of those public-houses for meetings and committees, in such a way as may be attributed to legitimate motives on the part of himself and his agents. That I have anxiously considered, and with a view to decide it, I have compared the accounts of Mr. John Peel with the accounts of the other candidates, and I find that the charge against Mr. John Peel, in respect of places of which three names are given, namely: William Tempest, Wildman and Son, and William Adcock and others, for hire of rooms, servants, gas, candles, fire, attendance, and horse-corn, &c., 89 *l.* 11 *s.* 2 *d.*, he seems to have spent only 89 *l.* 11 *s.* 2 *d.* upon his rooms, whatever accommodation he required there. Sir Robert Peel appears to have been at more expense than Mr. John Peel, in respect of this sort of accommodation; he appears to have been at the expense of some 99 *l.* 2 *s.*, the names are not given, but the places are mentioned of which Tamworth is one, and that consumed 74 *l.* of the entire; the smallness of the rest is accounted for by his having held a lesser number of meetings than Sir Henry Bulwer at the other places, the names of which have been referred to. Mr. John Peel charges besides 66 *l.* 17 *s.* 2 *d.* for carriages. Sir Robert Peel charges 41 *l.* 3 *s.* 8 *d.* for carriages. Now, I come to an item, which no doubt excited the suspicion of the Petitioners and their advisers, and I am far from saying in this part of the case an unjust suspicion, with respect to what had been done on the part of Sir Henry Bulwer, because the charge to Sir Henry Bulwer, leaving out those uncertain claims of which we heard, but which were rejected on his part, and the rejection of which, therefore, excludes the notion that he adopted them, and of which it was necessary to give proof, which has not been forthcoming, as in those instances I have referred to (and which I have selected as the most important), the charge actually admitted and paid by him is in respect of eight places, 231 *l.* Therefore he expended considerably more than double what Sir Robert Peel did, and more in proportion again than what Mr. John Peel did. I cannot, however, find in his account the separate claims in respect of carriages to which I have referred, and there is the explanation that Sir Henry Bulwer being a stranger he required more introduction and use of rooms than the other candidates, and he did much more than either of them largely resort to the use of meetings at public-houses, where he and others on his behalf made speeches. Now I leave those accounts with this remark. Mr. Serjeant Ballantine did not in his reply refer to that which appeared at the time of the examination of the receipts to be a suspicious item, “the horse-corn.” I really did begin to rouse up my suspicion when the item of

horse-corn

horse-corn came out, and especially when I found that it was struck out of some of the receipts and left in others, and more especially when it was proved that Moore had no claim for horse-corn, and that whenever he did want any stabling for his horse, or corn, he had to resort to Job's, having no accommodation of his own: but I must observe that that charge for horse-corn occurs in a variety of receipts. It appears to have been a sort of form adopted, I do not know whether it is an electioneering form, but it certainly does appear in Mr. John Peel's account with the still more objectionable word "&c.," I certainly have not the slightest suspicion of that gentleman's account, even with the ambiguous "&c." I think upon Moore's explanation the horse-corn is shown to have been improperly in the receipt, but I think the suspicion arising out of that circumstance is removed. I further observe, with respect to the charges for carriages and their absence from some of the accounts, and their presence in others, Mr. Shaw stated incidentally, *à propos* of some other subject, there were carriages and horses employed for the purpose of this election, and expense was incurred, as we know it was incurred, in respect of carriages and horses going about to those various meetings, and, of course, such expense must have been incurred at meetings where the gentle were going to join the simple in efforts to produce such a result of the election as they desired.

I have endeavoured thus, very likely imperfectly, so far as the magnitude and importance of this case are concerned, but I have endeavoured carefully, with all my might, to apply my knowledge of the law as a lawyer, and my wits as a man to the law and the facts respectively. I have struggled to keep aloof from what I am afraid does exist between some of the persons whose names have been mentioned in the case, and which I sincerely trust will soon after the result be entirely allayed. Anger is a noble passion, probably it stands second in the rank of the nobler passions, but anger with respect to matters that are passed, and in respect of a quarrel which has been manfully fought out, in which each party has resorted to all the means that he could to win, and in which the lawful conclusion of the matter has arrived, would be deeply to be reprehended, and I do trust, if I was not mistaken in thinking that especially some of the witnesses, rather than the candidates, were the objects of that most infectious of feelings, that all parties who have quarrelled over the election will now shake hands, and that there will be peace in Tamworth for the future.

It only remains that I should dispose of the question of costs. I will not put it upon the counsel to make the application; I felt sure it would be made by the counsel for the party who happened to be successful. With respect to Sir Robert Peel I think there is no difficulty whatever; he has been returned for this borough by fair means, and by a majority which most unquestionably pronounces the opinion of the people in his favour. He never would have been petitioned against but for his alleged connection with Sir Henry Bulwer. There was no such connection proved to the satisfaction of the court. A personal attack was made upon him, which, upon the evidence, I am bound to say, has proved utterly groundless. I must order the Petitioners to pay the costs of Sir Robert Peel.

In respect to Sir Henry Bulwer, I draw no distinction between that gentleman and Sir Robert Peel personally; I must, however, observe that it must be obvious from the laborious manner in which I have been compelled to deal with the question of the 130 men, and with the question of treating, that his case has given me very great anxiety. I think if it had turned only upon the question of treating I might have pronounced the same conclusion as to that gentleman as I have already done as to Sir Robert Peel, but I look with so much dislike, it may be an unwise one, but I am bound to act upon principles I have learnt, which I am too old to change, I look upon the renewal of any system of private war or any semblance of it in this or any other country as so dangerous, so much to be deprecated should it be threatened, and so much to be abolished and put down by the strong arm of the law should it arise, that I think the fact of the employment of that mob by Baraclough, though it does not in point of law affect the fate of the election so far as Sir Henry Bulwer is concerned, ought, in a matter which is to be disposed of by discretion, to induce me to abstain from ordering that the Petitioners should pay the costs of Sir Henry Bulwer.

Therefore, in the language of the Act of Parliament which it is necessary I should recite at this portion of the case, I must deem and determine that Sir Robert Peel whose return is complained of by the Petition, was duly elected and returned.

That Sir Henry Bulwer whose return is also complained of by the Petition was duly elected and returned.

That no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at the election.

That from the evidence before me it does not appear that corrupt practices have prevailed, nor that there is reason to believe that corrupt practices have extensively prevailed at the election to which the Petition relates.

WALLINGFORD ELECTION.

Wallingford.

JUDGMENT delivered by Mr. Justice *Blackburn*, 6 February 1869.

Mr. Justice *Blackburn*.] I DO not think it necessary to make any adjournment or delay. I have already, as far as I can, looked through the notes, and I think I could get no benefit by any further delay in giving my opinion upon this case.

First of all I will refer to the fact that there are charges made that the seat has been obtained by bribery. In answer to that, I may as well state in a very few words my opinion upon that subject, which is, that no case of bribery is actually proved at all; so that of course it is unnecessary to inquire into agency on that head. The charges attempted to be made are none of them charges of cases where the bribery was completed, where the person received a corrupt consideration; but it is alleged that something was done amounting to an attempt to bribe the voter, offering him a consideration for his vote which he did not choose to take. And there is no doubt that that equally, if brought home to the Member, or his agent within the statute, would avoid the election. But then, as a matter of fact, when one is coming to see whether or no it is proved, no one can avoid seeing at once that the evidence requires to be stronger, and to be of a different character in such a case.

The two cases that were relied upon were these: Gosby and Sargood were said to have had offers made to them by a man named Clarke; and Wellman is stated to have been induced by an offer made by the man whom we have heard so much of, Joseph Massey, a fishmonger. These are cases where it is said that there were offers made, where there were statements made something to this effect: that after the election they would probably get money if they voted on one side. I think that in Massey's case it went further, and he said that they would get directly 10%. Now, when it is shown that any bribery has been actually committed, one does not expect that the people who offered the bribes would be of a very high class or of a very high character; and when it is shown that money is actually paid afterwards, the very fact that the man who had offered the bribe, or brought the person the bribe, was not the person who produced the money himself would be very strong evidence tending to make one think that he must have been an agent authorised by others. Now, in this case, if there was any evidence that a sum of money was actually paid, that people had received money afterwards from some unknown or concealed persons, I should have said myself certainly, that there was very great reason to believe that such a man as Massey was employed for the purpose. But here we must remember that, as the evidence stands, there was not the least attempt to show by any evidence at all that any money was paid to anybody; and we have the distinct and positive oath of Mr. Vickers, and Mr. Vickers's agents, that not only was no money paid to any body, but that there was no attempt to pay money for any improper purpose. Taking it at the utmost, I think it very possible that there might have been some idle talk about there being bribery, but nothing that amounts to any actual bribery.

As to the other two cases that are alleged, Mr. Mereweather says that he does not rely upon the case of Solomon Brown. He says, very truly, that after Mr. Child and Mr. Sedger have sworn positively what they have, there may be a mistake on the part of Solomon Brown; or there may be an intended falsehood on his part, and I never can be asked as a fact to find that there was bribery in that case. Again, in the case which was talked more of, namely, that of Silas Martin, I think it very possible that there was a misapprehension on the part of Silas Martin as to what was really said. But in order to constitute that a bribe on the part of Mr. Vickers, it is necessary that what had been done and said by him should have made a contract, "If you, Silas Martin, vote for me, and lose a shilling by it, I will pay you 5*l*." there must have been at least an offer to make a contract. Now it would have been quite impossible that Mr. Vickers, if he had done that, should have forgotten that he had done it, or that those who were by should have forgotten it. On the other hand, it is quite possible that Silas Martin and the shopman, I pass by the little boy, because his evidence did not carry the matter any further—he had heard them talking about the matter afterwards—may, imperfectly remembering what was said, and discussing about it after, have made a mistake in saying that these words were used. But it is absolutely impossible that there could have been a contract of that sort made on the part of Mr. Vickers without Mr. Vickers knowing it, or without Mr. Vickers authorising it; and therefore I must consider that as set aside.

That being so, and there being no proof of bribery, we come to the much more important and difficult question of whether there is in this case sufficient proof of treating during the election. On that point, this is one of the cases that I have had a great deal of trouble in considering. For, on the one hand, it is not one of the cases in which there could be no doubt that the effect would be to unseat the Member, which would be a very easy case; nor, on the other hand, is it one of the cases in which it is clear that the Member is to retain his seat. It is one of the cases in which there is matter to be considered, and seriously to be considered, in order to say whether or no there was such

such an amount of corrupt treating as to avoid the election. And I must say, first, that I quite agree in what was stated as to the law (I believe we all agree as to the law), that the 23rd section which enacts, "That the giving or causing to be given to any voter on the day of nomination or the day of polling, on account of such voter having polled or being about to poll, any meat, drink," &c., "shall be deemed an illegal act," and imposes a penalty of 40s., does not affect the question of treating or not. It imposes a penalty, wisely enough, for the purpose of checking the practice of giving meat or drink at elections, and it imposes a penalty of 40s. whether the person be a candidate or anyone else; the intention of the Legislature being, that there should not be any such entertainment given on the polling day. Whether that has been effectual or not, I do not know. I do not think I ever heard of the 40s. penalty being enforced; but the intention of the Legislature was to prevent it.

The other section, the one on which it all turns, is the fourth section, and that enacts, that "Every candidate at an election who shall corruptly, directly or indirectly" (and then it uses words to cover over everything), "give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, entertainment, or provision to, or for any person in order to be elected, or for being elected;" and then it proceeds to say, "or for the purpose of corruptly influencing" a vote, "shall be deemed guilty of the offence of treating." I cannot doubt that the intention of the Legislature in construing the word "corruptly" was to make it a question of intention, which must be ascertained, as all questions of intention must, by looking at the outward acts of the parties, and seeing the degrees and extent, and then drawing the conclusion which, whether it be a judge or a jury that draws a conclusion from the facts, is one which may be to a certain extent doubtful, when we are considering what were the intentions. And, I think, that what the Legislature means by the word "corruptly," for the purpose of influencing a vote is this: whenever the candidate is either himself, or by his agents, in any way accessory to providing meat, drink, or entertainment, for the purpose of being elected, with an intention to produce an effect upon the election, whenever it is done in that way, then I think it amounts to corrupt treating. And I think that whenever the intention is by such means to gain popularity, and thereby to affect the election; or even if the case is, as very often perhaps it is, that persons are afraid that if they do not provide entertainment and drink to secure the strong interest of the publicans, and of the persons who like drink whenever they can get it for nothing (who are always a numerous body) they will become unpopular, and they therefore provide it in order to affect the election; when there is an intention in the mind, either of the candidate or his agent to produce that effect, then I think that it is corrupt treating, and that the seat ought to be considered vacated.

But then when one comes to look at it, everything is involved in the question of intention, and it becomes very important to see what is the amount of it. It is perfectly true that the statute does not say, nor does it mean, that it shall depend upon the amount of drink. The smallest quantity, as I think was said forcibly enough by Mr. Justice Willes in one of the recent cases, a single thimbleful of drink given with the intention will avoid the election. But then, when we are considering, as a matter of fact, the evidence to see whether a sign of that intention does exist, we must, as a matter of common sense, see on what scale and to what extent it was done. No one would think it reasonable to draw the conclusion from the mere giving of a thimbleful of drink (to use a strong expression) that it was done with any intent to influence the election so as to bring it within the statute. It is equally certain that in the case of a person giving a large number of thimblefuls, one would draw the conclusion that there was such an intention. Unfortunately it happens, and from the nature of things it must happen, that it must always be a question more or less of evidence; and the inference which the Court draws from the facts, whether they are left to a judge or to a jury, must to some extent depend upon the peculiar views of the minds which have to draw that inference. There must always be a certain measure of doubt in that respect. But I take it that there is no doubt that the point to be considered is, was it given with an intent to influence the election? and one must make up one's mind whether it was so given upon the whole of the evidence.

Now upon this there has been a good deal said by Mr. Mereweather (and I may clear it away at once) in reference to these seven men who entered Mr. Deacon's house. There can be no question at all as to what the facts there really were. These seven men, no doubt to some extent under Mr. Deacon's influence, were to go to poll the next morning. Deacon had requested by his servant that they would come at half-past seven to his house, and he would carry them there in his carriage. A great deal was said about the distance. They certainly do not seem to have saved any very great distance by foot. I presume that Deacon's object in doing what he did was to secure that the seven men should come to the poll early; and he asked them for that purpose to be at his house at half-past seven. Then it would appear, that without Mr. Deacon having directly asked them, Mr. Deacon's servant, whom he had sent to fetch them, consented to their sitting up all night in the kitchen, and Mrs. Deacon gave them when they were there, some pipes and tobacco, and I think, a small quantity of drink, and the next morning they were given coffee. And this was done at Deacon's, who was undoubtedly an agent of Mr. Vickers. And if it were necessary to go further, Mr. Vickers himself actually came into his kitchen and stumbled over the men, and, I think the evidence was, that he used some expression of

Wallingford.

courtesy to the effect that they were not to disturb themselves, and he hoped they were comfortable, or Mr. Deacon did so in Mr. Vickers's presence. There is no doubt that all this was known to Mr. Vickers. Mr. Mereweather is quite correct in saying too, that no one can doubt that this meat and drink was given to these seven men, because they were about to vote in the election. No one can for a moment suppose, and I cannot for a moment suppose, that these seven men would either have been invited to stay in the kitchen, or have been given the coffee, if they had been going to vote on the other side. And if, therefore, Mr. Mereweather was right in the proposition of law which he laid down, that anything of that sort done on account of the election would avoid the election, that would avoid this election. But, as I have already stated, I think we must see the degree and manner and way in which it is done, to see that it is really done with a corrupt intention, which I understand to mean with an intention to produce that result which the Legislature intended to forbid; and I cannot, upon that, draw the conclusion that such entertainment given to these seven men in this way was an act of treating within the meaning of the statute. I do not think I can draw a conclusion from this act of an intention to influence the election so as to make it a corrupt act, though of course it was evidence to be taken into consideration with other things, in order to see whether there was corrupt treating.

I have entered into that case rather at length, to explain my view of the matter. The same sort of remark would apply to the giving of the 3 s. by Mr. Vickers, at the house which was being built, to the workmen working in the house which he had been examining and which was given by him not, as I understand it, when he was gone to canvass, but when he was gone to look at the house. I do not think that that 3 s. would by itself be an amount to rely upon.

But then comes the question, which is much more important and much more difficult to decide in this case, what were the facts and what was the extent to which there was treating in the public-houses, and on that question I have had considerable difficulty and considerable hesitation. The manner in which the evidence was brought out, which I have already remarked and commented upon, made it difficult for one to be quite sure that he followed the whole of it so as to seize all the points. But, I think, upon the Petitioner's case there came out this much, which if it had stood uncontradicted and unexplained, I should have thought to prove corrupt treating; I think it sufficiently appears that at Benson, at the "White Hart," where there was a committee-room, and where other things were going on, drink had been given away in a way that would certainly lead one to the conclusion that those who gave it away were meaning to get the popularity of the village for the party to which they belonged. And there was some evidence, though not much, that it was given away at the "Star," and there was distinct evidence also that it was given away at the "Horse and Harrow," and the "Sweet Home;" and, moreover, it appeared that the villagers and people round these places had an expectation, and flocked to the place in the expectation, that there would be drink given to them. There was some evidence on these matters, and there was also some evidence as to a place called the "Cottage" showing that on a smaller scale there was drink given away there.

Taking that alone, it certainly did seem that, by somebody or other, drink had been given away in Benson to such an extent that if it had been done by the Member or by the Member's agents, it would seem to have been done with the intention of producing an effect upon the election. Then to show that it was done by the Member's agents there was undoubtedly this: The "White Hart," the principal house there, was a house where Mr. Vickers had a committee-room, and the "White Hart" was kept by a man named Dearlove. It appears upon the election expenses returned that a sum of 20 l. 15 s. was paid to Dearlove of the "White Hart." It is put down in one lump sum in the voucher; Dearlove was called as a witness; I commented upon the fact that as to many of the witnesses, it was not known what they would say, but I do not complain of it as to Dearlove. Mr. Mereweather was justified in his remark, and Dearlove himself produced the full effect upon my mind, that Dearlove was not meaning to tell anything, and that he meant to keep back everything which he thought would do him harm; and doubtless he thought that he knew something that would do him harm. And this much appeared from him, that his account was asked for, his account which he had made out by the aid of a Mr. Benjamin Belcher, and it did seem as if that account had been passed simply upon the ground that he brought it in; and I should have thought that that went very far to show, if unexplained and uncontradicted, that Benjamin Belcher was accredited by the sitting Member, or by the sitting Member's canvassing agents, to this extent, that if he vouched for the amount that would be enough, and it would be paid without further question. And if it had stood there upon the Petitioner's case, I should have said that that convinced me that there was treating which would avoid the election.

But a further thing there was relied upon, showing that in this town of Wallingford there was a very great and heavy expense incurred no doubt by Mr. Child and Mr. Vickers, people living at the "George" and at the "Town Arms." Some evidence was given, very slight however, and I do not think such as I could rely upon, that previous to the election beer had been given away at the "Town Arms;" I do not think that that was anything that I could rely upon, and consequently I pass it by; but this much appears clear: that on the election day there was a dinner, or a luncheon, whichever

you

you choose to call it, laid out at the "George," and that that dinner or luncheon was in point of fact consumed by a great many persons coming into the "George," among whom there may have been voters, and that besides that, there was a sum of 4*l.* 10*s.* paid to Stormer, the keeper of the "George," under the head of refreshments for poll-clerks, though this dinner was represented to be for them. Whether or no that amounted to treating would be another question. Taking these circumstances together unexplained, I should have thought it probable that they did amount to treating; I felt at the end of the Petitioner's case, "This requires explanation, and would amount to treating if not explained," but it was met by the evidence of the Respondent. Then it comes to this question, whether that evidence has been sufficient to rebut the evidence for the Petitioner altogether. Upon that I have had a great deal of difficulty.

The first thing we have had in evidence is this: Mr. Serjeant Ballantine called everyone who had been specially mentioned, and he was quite right in doing so; I do not mean merely to say that he was right as a man, but that he was perfectly right as an advocate also. Everything kept back would have been supposed to have been kept back for a purpose, and consequently he was right as an advocate. And the first thing, which did amount to a great deal, was done by calling Mr. Vickers and all the agents to establish, as far as the testimony of men could establish it, that they had intended the election to be pure; they swore to that positively, not merely that Mr. Vickers intended it, but that his people intended it; that would go for nothing if in fact those people had made it an impure election by treating; but it goes a great way in considering the question, whether or no the people who did treat were their agents to treat. They say that it was not intended that there should be anything of the sort. It is positively sworn by the agents (and I do not myself see any reason to doubt that it was sworn with perfect truth), that they took great care to prevent any treating whatever; and that they warned the different people connected with these places, that if it were done they would not pay for it; that they not only protested, as at an ordinary election, that they intended purity, but that when there was a hint of the contrary, they took pains to explain that it was not to be.

And then this appears, with reference to the great thing which seemed to show that at Benson there was systematic treating. There were called Mr. Belcher, and the corn merchant (Mr. Weller), and Mr. Newton, who would also account for some of the treating at Benson; and it was distinctly sworn that Belcher was not an agent or employed by Mr. Vickers at all (he was not a voter, because he was resident out of the parish), and his account was that he did give a portion of what was given at the "White Hart;" and according to his account, that was given by him for conviviality rather than for election purposes, and at the "Beehive" (I think it was), and the "Horse and Harrow," where it was clearly shown that there had been beer given away, to an extent which, if it had been done by the sitting Member or his agents, would have amounted to corrupt treating. Mr. Belcher distinctly proved that he gave 2*l.* at each of those places, out of his own pocket, which he most distinctly swore was out of his own pocket, and in no way paid or asked to be paid by Mr. Vickers's agents. He said that he had supplied that 2*l.* out of his own pocket as a treat to the villagers, and that Mr. Weller the corn merchant (who is in much the same position, but who is no doubt a friend to, and thought well of Mr. Vickers), supplied 2*l.* more at each of those places, and that that provided the drink that was given there. As to the "Cottage," there was not such distinct evidence as to the way in which they furnished the drink, but it was a smaller sum, 1*l.* 7*s.* I think probably it was furnished in much the same way; and if we think that Belcher speaks the truth, and that Weller speaks the truth, and that really they were not agents in any way to Mr. Vickers, not people whom he had put forward in such a position that they would have a claim to be repaid by him, anything which they might have advanced for the purpose, if that was so done, Mr. Vickers would not be responsible for that.

The case of the "White Hart," comes be more difficult to deal with for this reason. The answer to that is this: "Mr. Dearlove was distinctly told, and was told that it was meant, that he was not to advance drink, but Dearlove did advance drink, on a speculation of his own, that he would do so." I think it appears that that really was the case. "We were honest upon that, and when he sent in the bill, there was a committee-room which we had taken, and for which we had agreed the price was to be 15*l.* 15*s.*" I should have thought that a high price, but still prices are high on these occasions, and that was the agreed price. "We will pay the 15*l.* 15*s.*, and also what he has done for our committee clerks we will pay him for; but he cannot have done more than five pounds, that we will pay." That is the answer given, that they could not ascertain and make out the figures, but they believed that 5*l.* might be what was due for messengers and clerks, and other persons, and they paid that; nearly the same thing, it is alleged, occurred at the "George," where the 4*l.* is charged, that the messengers and clerks were to be paid for, and that they could not charge it accurately, but they fixed it as nearly as they could at 4*l.*

Now this brings the matter to a point of considerable difficulty; I should observe that the large bill which was subtracted by Mr. Vickers's agents for staying at the "George," and the "Town Arms," have explained I think to a large amount; Mr. Vickers brought down Mr. Child, and Mr. Child brought down his clerks, and besides that Mr. Vickers had friends down here, who were engaged in assisting him in the election, and who I daresay were not of any great use; I think I may venture to say that; and they living at the

Wallingford.

“George” during that time, it does appear, looking at the bill, that these people lived extravagantly, that they drank, I will not say it was champagne, but what was charged as champagne; and had these these people been voters it would have been at once open to say that their living in that way was colour for bribing or treating them, or something of the sort; but this was not so; there may have been extravagance, and I think myself that there was extravagance; it was something like paying the bellringers and things of that sort, and if it had been done for the purpose of influencing a voter would have been treating, but it is extravagance that does not amount to treating.

The other comes to be the much more serious question, and now it comes to this point: At some of the public-houses there was beer drunk which they did not get paid for by the people who drank it. There was the case of a man who was called for the Petitioner's case, Wadsworth, who keeps the “Sun;” he had done that; his bill was refused. It seems that Mr. Newton there was a large farmer, and had got plenty of labourers, and that he chose to do something analogous to what Mr. Belcher did. On that day he gave an order that all his labourers, 50 or 60, should have beer, because they were his labourers, not because they were going to vote with him, as he says; and Mr. Wadsworth took upon himself to supply a considerable quantity of liquor and drink to voters and others, which if it had been subsequently adopted and paid for, or had been previously sanctioned by the sitting Member or his people, would have looked like treating, but that they refused to pay, and it has been sworn that the refusal to pay was *bonâ fide*. They say, “We do not intend to pay and will not pay,” and consequently, unless I am disposed to doubt that which they have so sworn, I must suppose that that was not a matter for which the sitting Member was responsible.

Then again it does come to this, that both at the “White Hart” and at the “Crown” there was meat and drink supplied, part of which at the “White Hart” Mr. Vickers refused positively to pay for; and there has been a sum not excessive, a sum of 5 *l.* in one case and of 4 *l.* in the other, paid upon a kind of rough estimate. “This may be about the sum; it is a handsome allowance for what you may have honestly done without amounting to anything like treating; we will pay for that, and not be responsible for anything more.”

Then comes the question, is that to be considered treating; and I have had considerable difficulty about it. I feel that in cases in which the candidate in fact pays anything, where there is any treating of this sort going on in public-houses, there is always a very considerable chance that there is, in fact, treating disguised under the form of something to be paid for messengers, clerks, and others. That is the one side; then, on the other side, it may very possibly be that this is not treating, but that it is real, true, and honest refreshment, and the sitting Member may be imperilled. The seat is unquestionably imperilled, and it brings on a Petition in consequence of his having a score at the public-house. I cannot lay it down as a general rule, that to have a score at a public-house does amount to treating. I can only say that, as a matter of prudence, I would strongly advise all candidates in future to have, under no pretence whatever, any score at all; let them pay their paid agents, handsomely if they like, and let the paid agents find themselves; let them pay them nothing at all to supply refreshments for the committeemen and those who act gratuitously; let the committeemen and others, if they wish to have any refreshment, pay for it themselves; if they do that, and the candidate avoids any score at a public-house, he will not be in any peril of having treating put upon him; but if he does allow a score he does peril the seat very much; and in this case Mr. Vickers's seat was perilled. Had this case not been met by the evidence of the Respondent, but had rested on the weakness of the Petitioner's case, I think I should have found that there had been treating, which would have avoided the election. But it was met. I have never doubted that Mr. Vickers did not mean that there should be treating; but I further come to the conclusion that nothing has been done by him or his agents which amounts to this; that any person for whom he was responsible as his agent has given meat or drink in such a manner or to such an extent that I ought to draw the conclusion that it was given to influence the election, which is what the Legislature means by corrupt treating. That Dearlove did, for instance, on speculation for himself, in fact, do that, I do not doubt. That the man Wadsworth, who keeps the “Sun,” did so on speculation, I do not doubt. That Belcher and Weller did do what, if done by an agent for Mr. Vickers, would have amounted to corrupt treating, I do not doubt also. But, taking it altogether, I do not think that they were so connected with Mr. Vickers in the manner in which they were employed in doing those acts as to lead me to believe that they were agents acting for him to such an extent that for what they did, Mr. Vickers should be responsible, and lose his seat.

This is one of the cases where I have had very great doubt and hesitation in making up my mind. But in all such cases we must come to the conclusion, upon matters of fact, from which one judge will draw one conclusion and another will draw another. In the present case, I come to the conclusion that there is not enough to avoid Mr. Vickers's seat. Consequently I need not say that I shall certify that no bribery or corrupt practice of that sort was proved in the election by anyone; that I think that Mr. Vickers was duly elected, and that the election must therefore stand.

With regard to the costs, they must follow the ordinary rule, that where there is no reason to the contrary, the costs must abide the event, and the Petitioner will therefore have to pay the Respondent's costs.

Sir

Sir *Wentworth Dilke*.] I desire, my Lord, to tender you my best thanks for the patience you have shown in this case. If it is not incompatible with propriety I would ask permission to make a statement.

Wallingford.

Mr. Justice *Blackburn*.] If you wish to say anything that will explain any matter in connection with your conduct, I should be happy to hear it.

Sir *Wentworth Dilke*.] This is all, my Lord. The witness Dearlove stated that he had received from me or my party (I could not quite understand his evidence) on a former occasion, the sum of 50 *l.*, I beg to state that, after making the best inquiries I could in the interim, I believe it to be absolutely untrue.

Mr. Justice *Blackburn*.] I think that very probable.

WARRINGTON ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 4 February 1869.

Warrington.

Mr. Baron *Martin*.] I AM of opinion upon the evidence before me that this is not a void election. What occurred was this; there was no fraud in anyone. A man was appointed to be poll-clerk (upon the resignation of another man), who was deemed fit for the post. The gentleman who was first examined selected Mr. Dickson, and it is clear that it was an honest selection. He believed at the time that Dickson was a proper and fit person to take the poll. He went to the booth and took his seat in a place which was said to be not the usual place, and I daresay that was so. Upon Mr. Harrison going there in the course of the morning, he removed Dickson from the corner where he was sitting to the middle, which was a better place. It was stated by Mr. Price that it was entirely through the fault of this man that the poll was not properly taken. That is not a correct statement of the fact. The truth is, that the persons who did the wrong (if you can call it a wrong) were the persons who went to vote; they rushed up to the poll, and, instead of going in one by one steadily, there was a rush made, and a crowd in front of the poll-clerk, holding up their tickets for him to take, and thrusting them over on to the book. Now the ticket is merely given to the voters, to enable them to vote with greater ease, but it has nothing to do with the voting. Properly speaking, the poll-clerk ought to have nothing to do with tickets, but to take from the mouth of the voter "for whom" he votes, and his number on the register, and his address. Therefore, to say that this was entirely the fault of Dickson, is wrong. It was quite as much the fault of those persons who were crowding up to him, and presenting their tickets in such a manner as to prevent him from taking them one by one. I say nothing with regard to the gentlemen who were there; they meant not to do anything wrong; but Mr. Lowe ought never to have taken a ticket from a voter; he was not the man to poll; the man to poll was the voter, and instead of letting him go to the poll-clerk, he took the tickets, professing to say for whom the man voted. Do not suppose that I mean to insinuate that Mr. Lowe meant wrong, or any of the other gentlemen who were there; but it was Mr. Lowe—the gentlemen with him—and the voters, as well as Dickson, who were the parties to the irregularity which unfortunately took place. Then the question is, is it to be declared a void election? How can it be so declared? Supposing that this happened to half-a-dozen, where there are 2,000 or 3,000 voters, are all their votes to be set aside, and the election declared void? It would be, in my opinion, ridiculous to say, that because at one booth there was an irregularity, the whole of the rest of the borough should be put to the trouble of a new election, and all that has taken place declared null and void. I adhere to what was said by Mr. Justice Willes, in his judgment in the Lichfield case, that a judge, to upset an election, ought to be satisfied beyond all doubt, that the election was void; that the return of a Member was a serious matter, and not lightly to be set aside.

I am of opinion, that this is not a void election, and that, instead of doing justice, I should be doing the grossest injustice, if upon the evidence before me, I were to set it aside. I regret that the votes of the persons omitted were it not taken at the poll; but that is no reason why I am to lay down that because there was confusion at one of the polling booths for an hour or so, the whole election is to be upset. If Mr. Price's argument be correct, the same might be used, notwithstanding the other candidate had got a majority of hundreds. With regard to Mr. Dewhurst, the Act of Parliament enacts, that the returning officer shall appoint a clerk to take the poll; and in a subsequent part of the Act it is stated that the poll-clerk is, at the conclusion of the election, to seal up the poll-books, and publicly deliver them to the returning officer. It is therefore clear, that the person to take the poll, is the poll clerk, and it is the duty of all persons who go to vote, to ascertain who that poll-clerk is, and they must take the trouble to inquire. If they make a mistake or commit an error, would it not be monstrous to hold that their votes should be considered as taken when they were tendered, not to the poll-clerk, but to another person who stood by?

Warrington.

What a door that would open to fraud, although I see none in this case. It is plain that the Act of Parliament means that it is to the clerk whom the returning officer has appointed to take the poll, that the communication of the will of the voter must be made, and that the communication of that will to any other person will not do. As to saying that what may have been said was said loud enough for others to hear, that might have been so, but I think it would be an improper and wrong thing to hold that a communication made by a voter to a person not the poll-clerk could be considered a legal tender of his vote. I am therefore of opinion that Mr. Dewhurst's vote was badly tendered, and cannot be taken into the calculation. So far as that goes, you have my decision.

After a short adjournment,

Mr. Price.] My Lord, after the interval which your Lordship has kindly given us to consider our position, I will trouble you with a very few words. From the evidence which has been laid before the Court, I think that your Lordship will agree with me that my clients, the electors of Warrington, had good reason to complain of a grievance in the last election, and that that grievance has been, to a certain extent, substantiated, and that we had good cause therefore for seeking to have that grievance remedied, in the only way the law points out, because the notion of the electors bringing an action against the returning officer would be a very invidious thing to do, and not the right course to pursue.

That being so, I have now to consider your Lordship having decided that although in respect of some of them they had such a grievance as you would have remedied by amending the return to the extent of placing their names upon the poll book, yet with regard to several others, you do not think that they have made out a case to have their grievance remedied in the same way; that, therefore, the result would be, so far as the amending of the return was concerned, simply that the present Member, Mr. Rylands, would remain as the Member for the borough. Everyone perfectly well knows that all these inquiries create and keep up a great amount of political excitement in a borough long after the election, and the sooner anything of that kind is put an end to it is a very great blessing to all parties. And I have also considered the position in which I now stand, as counsel for the Petitioners, with respect to the other allegations in their petition. As your Lordship knows, and nobody more so from the immense experience which you have had, I can only speak of the result of any case from the instructions given me; I can only tell what it is upon paper. And although, my Lord, I consider that I have a sufficiently strong case to present to you, on which I should have a perfect right to ask for your Lordship's deliberate judgment, I have taken into account the circumstances in which I now stand, and I have given my clients the best advice I can; and I think, my Lord, that in view of the fact that if Mr. Rylands were unseated, and I, as counsel against him, have a right to say that I believe he would be unseated, there is at the same time a determination, and a very proper one and very natural one, on the part of those who oppose Mr. Greenall, to go into what is called a recriminatory case, which would involve an inquiry prolonged far beyond the time that your Lordship could devote to this case at present, and as it would be prolonged at very considerable expense in money to the parties, and as it would be prolonged at what is very much worse, at considerable expense to the harmony and good feeling of this borough for an almost indefinite time, I have taken upon myself, telling your Lordship candidly, as I am sure you will believe as candidly, that having a case against Mr. Rylands, which I should have no hesitation in putting before your Lordship, I say I have, nevertheless, taken upon myself the responsibility, as the counsel for the Petitioners, to say, that having submitted, as they must submit, to your Lordship's judgment this morning upon their very reasonable grievance (for they have made it out); under all these circumstances, they will take the best course for themselves, and for their neighbours and for their friends, and for both the candidates, if they say that they decline to go further into the case, as to Mr. Rylands being unseated. Having taken upon myself that responsibility, a responsibility which I know that your Lordship thinks all counsel ought to take upon themselves, to do the best they can for their clients, and to advise them not only as advocates, but having in view these particular circumstances, with all consequences and all possible results,—I have taken upon myself the responsibility of advising my clients to go no further with this case, not, I repeat again, from any fear with regard to the case which is presented to me, but simply because I believe that it is the wisest and most prudent course with regard to the borough and its future interests.

Mr. Baron Martin.] I have no doubt that you have taken a prudent course, the judiciousness of which you alone can know. I must say it is exceedingly creditable to Mr. Greenall that he abandons, for the reasons you have stated, a contention in which he thinks he has a reasonable hope of success, with the view of preventing further litigation and probably bad feeling in the borough. I know nothing more than what you state to me, but I do not entertain a doubt that you are exercising a wise judgment in the matter.

The only thing that remains for me to deal with is the question of costs. I had made up my mind that if the Mayor had been put to costs, he must be paid them. Therefore, if any costs have been incurred by him, he ought to be re-imbursed. But with respect to this petition, I am of opinion that both parties should pay their own costs. I think it reasonable

reasonable when this occurred at the booth, persons might be desirous that the matter should be brought before the proper tribunal.

I entertain no doubt of the propriety of my decision, but it has occurred to me that I ought to add, that no complaint was made of this man during the day when this occurrence took place. I do not say I doubt, for I think it is true, that he did not perform his duty as he ought to have done, but I must say that others were quite as much to blame as he.

Mr. Price.] There is evidence that complaint was made to Mr. Lawrence.

Mr. Baron Martin.] But not to the Mayor.

Mr. Quain.] I was going to call Mr. Lawrence, who would show that the complaint was rectified, and that he took those cards.

Mr. Baron Martin.] It was the Mayor I was thinking of; I am not at all saying that there was not a miscarriage at the booth, but that it was not of that serious character, which certainly it must be for the purpose of avoiding the election. My opinion as to costs is, that if the Mayor has been put to any costs by reason of the petition against him, he ought to have them. But with regard to the party petitioned against, I think that each should bear his own costs; I think it was a reasonable and fair petition.

The formal judgment will be that Peter Rylands was duly elected and returned, and that the election was not void. I think that that is the only matter to which I have to call attention. As to the allegations of bribery, there has been no bribery proved at all, and no treating.

I can only further say that there is not the slightest pretence for any action lying against the Mayor. You might as well bring an action against me.

Mr. Price.] I never said a word about it, except that the statute thrusts upon us the necessity of making the returning officer the Respondent.

Warrington.

WESTBURY ELECTION.

JUDGMENT delivered by Mr. Justice Willes, 5 February 1869.

Westbury.

Mr. Justice Willes.] THIS is a petition praying that it might be declared that Mr. Phipps was not duly elected or returned, and that the election was null and void, and that the Petitioner, Abraham Laverton, was duly elected, and ought to have been returned. The latter part of the prayer has been abandoned by the notice given on the part of Mr. Laverton; he does not claim the seat, and the question remaining upon the petition is, principally, whether or not the election was a valid or a void election, but secondarily, in consequence of the seat having been claimed, whether proof by way of recrimination has been given to such an extent as to amount to a conviction of Mr. Laverton, of one of the offences which would impose upon him penalties under the statutes made against corrupt practices. The former is the main—the latter, since the abandonment of the claim to the seat, has become a collateral inquiry, but one which it was necessary, and I am far from saying it was not proper, to pursue to the end.

With respect to the question whether the election was valid or void, that depends upon the effect to be given to a great mass of evidence, directed to show that Mr. Phipps, either personally or by one or more of his agents, was guilty of corrupt practices at the election. The effect of proving that Mr. Phipps was personally guilty, or cognizant, of any corrupt practice at the election, would have been to disqualify that gentleman in various ways, not only to deprive him of his seat, but to fix upon him the discredit of being incapable of voting at any election, or of holding any judicial office, involving the striking of his name out of the commission of the peace, where I presume it is at present, and also involving his being incapable for seven years of representing this or any other borough in Parliament; I at once say, I think the case against Mr. Phipps personally has, I will not say wholly, failed, because there was a case requiring an answer, but I will say has been entirely and satisfactorily answered. There is no ground whatsoever for imputing to Mr. Phipps any corrupt practice, and I entirely believe in his statement, that he did not intend that any such practice should be committed in his name, or on his behalf.

There was then a charge against his son, Mr. Phipps, junior, and a great variety of persons who were alleged to have been Mr. Phipps' agents, including two persons, one named Walling, and the other named Joseph Harrop. With respect to Mr. Phipps, jun., I must equally acquit him as I have done Mr. Phipps his father; and with respect to the other agents, except those two whom I have named, it appears to me that the charges made against them respectively, have been sufficiently answered, and I do not think they require

Westbury.

any further observation, besides those made upon them in the course of the case; some of them have been withdrawn, others of them have been presented and disposed of in the course of the case; it would be tedious to go through them, and it is not my duty to deal with them any further.

With respect to the case of Walling, it is right that I should observe, in passing, I think he conducted himself in a manner which, if he be a person of right feeling, he will deeply, and I hope sincerely repent, because there can be no doubt he allowed his angry feeling, to say the least of it, to get possession of him to an extent which induced him to write two letters, one, I think, on the 31st of August, and the other, I think, on the 24th of October, which being written and not being repented of, would leave a stigma upon any man, however high his previous character may have been, the stigma of being a person not merely angry, but angry to the extent of being vindictive. The case of Walling is so mixed up with the case of Mr. Barnes, who appears to have rescued Eyres the voter, against whom Walling's indignation appears to have been excited, that it would be impossible, I think, to extricate the one case from the other. I could not well report Walling without reporting Barnes; I could not well report Barnes without reporting Walling. If I were satisfied as to the one it would seem necessarily to follow I must be so satisfied that I must report the other, and, I think, I can at present arrive conscientiously, in the case of Eyres, at the conclusion of "not proven." I by no means make the observation upon Barnes after his explanation of this morning, which I should have been prepared to do if that explanation had not been offered, and I am happy that I did not allow the impression, which it must have been perceived was on my mind yesterday evening, to weigh me to a conclusion, without asking to hear Mr. Barnes again; I leave the case of Walling with these remarks.

With respect to the case of Mr. Joseph Harrop, that requires some careful consideration. I am deeply conscious of the serious character of the question raised for decision by the conduct of that gentleman in the course of the election; I hope I feel the extreme importance of the case, and the deep responsibility which the law imposes upon me in deciding it. I am satisfied, however, that the clearness of the conviction upon which I act is all but equivalent to the sense of the responsibility which I feel. I must proceed to pronounce that conviction, and to explain my reasons for arriving at it in the best manner I can. I cannot take the conduct of Mr. Joseph Harrop with respect to anyone of those individual men as standing by itself; I cannot look at his conduct as being the single act of an angry person dealing with one voter who was under his influence; I must look at the whole of it together. I must not only look at the fact that in the latter end of the month of October he resorted to a course which has been correctly summed up by my brother Parry as amounting to this: that he threatened never to employ again any workman of his who voted for Mr. Laverton, his rival in trade, but I must remember that he was working at the same object from the very dawn of the election. Taking his own account, and I should be satisfied in this case to be judged of in the decision at which I arrive by any person who took Mr. Harrop's own account of the matter, although I am far from thinking that I ought to depend upon his account only, that I ought to take the account of a person who was actuated by passion of a not commendable character with respect to what did not so much concern him, because he was in a good position, and it did not affect his livelihood, against the evidence of persons whose memory has been sharpened by the pain of what they endured. Taking his own account, at an early period when he found it possible or probable that Mr. Laverton, his rival in trade, against whom he entertained an angry feeling, was likely to come forward as a candidate for the borough, he began interrogating his men as to whom they were likely to vote for. It does not require any very great amount of reasoning to come to the conclusion that he thought that the majority of those men were likely to vote for Mr. Laverton in the event of his setting up as a candidate; and he appears to have asked them, as he represents in a casual sort of way, whether they were going to vote at the election; and at that time, the election being far off, the men apparently not having made up their minds, or if they had, not being desirous to communicate to their master what might be disagreeable to him, and produce uncomfortable consequences for them, the men, or some of them, appear to have told him they did not intend to vote at all. He commended their resolution, and according to his own account he treated it as a promise made by the men to him that they would not vote, the breach of which afterwards by two or more of them he thought proper to treat as a piece of untruthfulness which rendered them unworthy to be any longer in his employ. He early extracted, as he says, a promise from his men that they should not vote at the election. As matters rolled on, he appears to have been applied to to be upon Mr. Phipps' committee, he was willing to join, and he was upon it from the beginning, his name appears in the three editions of the committee; he did attend at meetings and took part, such part as the committee took, in the business that was done in the room; and moreover, treating the promise made by his men at the first as being a one-sided promise to be kept by them without any corresponding promise on his own part to adopt the course which he considered would be wise for the workmen, he appears to have commenced canvassing on the part of Mr. Phipps, not canvassing out of his place of business, it is true, but canvassing within his place of business and according to his own account, canvassing the men of the class whom he says he had engaged not to vote at all at the election, and some of them who voted afterwards for Mr. Laverton, and would not give up their intention of doing so,

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he charged with untruthfulness. What strange inconsistencies people's angry passions bring them to! I pass over that; it was necessary to comment upon it; I do not do so out of even incivility towards Mr. Harrop, but in the course of my duty as showing that one of the reasons which he suggested other than that of desiring to influence the men in the sense of intimidation, namely, the fact that they had proved themselves to be untruthful men, is a thin guise, entirely transparent, which cannot for one moment prevent anyone from seeing the truth: Mr. Harrop proceeded to canvass his men to vote for Mr. Phipps. In the course of that canvass am I to suppose that his wishes that his men should vote for Mr. Phipps had not become known? Am I to imagine that the men seeing Mr. Phipps's carriage come up to Mr. Harrop's from time to time, and no doubt seeing his name on the placards in the streets, were not aware that their master wished them to vote for Mr. Phipps? Am I to suppose that he did not canvass, on the part of Mr. Phipps, as effectually as he could every person who, he thought, could be induced to vote for that gentleman? I am satisfied he did, and if I am asked for proof that this was so, I would point to the account given both by Millard and by Mr. Harrop himself of the conversation with Millard. Mr. Harrop begins it by saying, "I did not know you had a vote;" Millard says, "Oh, yes, I have had a vote for some time." Mr. Harrop says, "Oh, I was not aware of that," and then immediately following is the conversation with reference to Millard's voting. I must arrive at the conclusion, and I do so, that Mr. Harrop did canvass for Mr. Phipps, and if I arrive at that conclusion before I proceed to what took place at the end of October, it is right to consider whether in doing so he acted as agent for Mr. Phipps; I cannot avoid the conclusion that he did. For an agent to bind another, it is not necessary that there should be any payment; it is only necessary that the act done by the agent upon which the question arises, whether it is to bind the principal, should be an act done by the procurement of the principal, and there can be no doubt that, so far as the act of canvassing went, Mr. Phipps not only did desire Mr. Harrop to canvass for him, but he also did convey (whether expressly or impliedly, whether by words or actions, is quite immaterial,) that desire to Mr. Harrop. The evidence amounts to this, that Mr. Harrop, desiring to canvass his own men, Mr. Phipps did say, "Pray, go and canvass your own men for me," though I do not at all say that those words were the words which actually passed. If Mr. Phipps said they did not, I should believe that they did not. Yet that passed which was equivalent to them; whether by words or actions, it was expressed, "Pray, canvass your men in my interest." Then, canvassing, I need hardly say, may be either by asking a man to vote for the candidate for whom you are canvassing, or if you find him unwilling to do that, begging of him not to go to the poll, but to remain neutral, and not vote for the adversary. No distinction can be drawn, except in the amount of favour between voting for a man and abstaining from voting for his adversary. That such is the law as well as the common sense of the matter appears from the Act so often referred to, "The Corrupt Practices Prevention Act, 1854," which places upon the same footing inducing a man to vote at the election and inducing a man to abstain from voting at the election. This introduces the last scene of what passed between Mr. Harrop and his men. Mr. Harrop having canvassed for Mr. Phipps, and induced as many as he could to promise to vote for him, as they afterwards did, with the exception of three, Mr. Harrop thought there was another, but he could not name him. There were certain men in his employ who were determined to vote for Mr. Laverton, having promised him their votes; those men were Mark Millard, Alfred Toup, Samuel Grist, Joseph Francis, and George Oatridge: and there was one man who wished to remain neutral, namely, John Humphries. I will first take the neutral man, John Humphries. He did not desire to vote at all. I do not know whether it was his manner, or whether it is the manner of the persons in this neighbourhood; but I thought there was something piteous in the way in which Humphries described what took place between him and his master. He was unwilling to vote at all. He desired not to vote; then he is put upon with soft language: "Could you go against your employer; would not you vote for me, if I wanted two or three votes just at the end, towards four o'clock?" and at length, whether by conviction produced by argument or by persuasion, or whether really under fear of what might follow, I leave to others to judge, he is at last induced to give a reluctant consent by saying, "Well, I do not think I could."

We thus pass through the neutral ground, and we arrive at what occurred with those persons whose names I have mentioned, and who afterwards voted for Mr. Laverton. They were all in Mr. Harrop's employ till towards the latter end of October, and they all had to leave his employment before the election. They all intended to vote for Mr. Laverton, and that coming to the knowledge of Mr. Harrop, he brought them before him, and what passed between them did amount in substance to this: "I have determined that no man shall remain in my employment who votes for Mr. Laverton, and you shall have no further employment from me if you vote for Mr. Laverton." He does not appear, with the exception, I think, of Francis and Oatridge, to have asked affirmatively, "Will you vote for Mr. Phipps?" but he knew that the men had promised Mr. Laverton; he may have thought that it was in vain to do more than request them to be neutral, or he may have thought, if he had swayed them so far as to dissuade them from fulfilling their promise to vote for Mr. Laverton, that he might have further succeeded in inducing them to vote for Mr. Phipps. I cannot pay any attention to that topic taken in connection with the other circumstances to which I have referred.

Mark Millard was a person who had been three years in the employ of Mr. Harrop; he appears to have had his discharge (because as to his discharge there can be

Westbury.

no doubt) upon the 31st of October; the receipt for his plant is dated the 31st of October. Alfred Toup was eight or nine years in the employ; Samuel Grist was six years in the employ; he was brought up, I think he said, or discharged, upon the 27th of October. There was a letter of the 28th of October from the manager, Mr. Futtrell, if I caught the name rightly.

Mr. Cole.] Grist's letter is the 28th of October.

Mr. Justice Willes.] A letter of the 28th of October, requesting him to send in the plant which he had of Mr. Harrop's, and upon which the work was to be done. As to Grist and Millard, therefore, they are confirmed, as it appears to me, by written documents, contemporaneous, showing that theirs was a case of actual discharge disabling them from remaining any longer in the service. Francis is a person who had worked as a washer for some five months; he appears to have gone on the 27th of October. I agree with my brother Parry that the evidence as to Francis is not so strong as to an actual discharge, as in the case of the men whose names I have already mentioned. At the same time, I can feel no doubt that that man went, because he felt it was no use for him to try to stay. The next is George Oatridge, who had been cleaning the ironwork for three years, and who was spoken to six weeks before the election, to "look himself over," and who was spoken to three weeks before the election again, to "look himself over;" and, I think, to see his wife before he concluded, and who, according to Mr. Harrop, promised to vote for Mr. Phipps; but after thinking over it in the night, probably, if one can judge from an expression of the wife, under her advice, he determined to stand to his promise to vote for Mr. Laverton, and when he came the next day he stated to Mr. Harrop that he had changed his mind, and would keep his promise to vote for Mr. Laverton; that man also went. Then there was his wife, who was there for 12 months; she stated that she was turned off, and I have heard no contradiction of that; and there can be no doubt upon my mind that she was sent away.

Now, what happened to the rest of the men? It appears there were seven men who voted for Mr. Phipps. Those seven men remained and continued to have work. There were three men remained who voted for Mr. Laverton, and those were Robert Reeves, Alfred Matlock, and William Bennett. Upon hearing that, it occurred to my mind, "Well, it may be a harsh judgment upon Mr. Harrop; he may not have been so bad as he seems. I ought to be cautious, and judges and juries do well to be cautious of acting upon the evidence of discharged servants, because ordinarily there are no people who are more disposed to exaggerate against their master; and a person who has to act upon the evidence of discharged servants ought to be exceedingly cautious how he believes every word that they say." I do not think that that is applicable to the men here. I believe that they gave a substantially true account of what took place. Bearing that in mind, and seeing that three people who voted for Mr. Laverton were retained in Mr. Harrop's employ, I became desirous of seeing whether he really did repent after all, and allow the men to have their own way; but, upon inquiry, it turns out that Robert Reeves was an exceedingly useful man, who had been in the employment a considerable time, a sort of foreman; that William Bennett had also been there a considerable time, and when I came to inquire into the case of Alfred Matlock, Mr. Harrop stated (and his candour in stating so did him credit; whatever discredit attaches to him in the transaction, certainly does not at all attach to the mode in which he avowed his reasons for keeping those men, because he said he wished to explain, and he gave a fair and candid explanation of it): "They remained in my employ because I had heard of legal proceedings against me, and took advice," and finally he said with respect to Grist, whose case I selected to test him by, having in my mind that letter asking for the plant, "I did send Grist away because of his not sticking to his promise not to vote at the election." Now, Mr. Harrop suggested against Millard, but not against the other men, that working for Mr. Laverton was or may have been the ground of dismissal; that could not have been the ground as to all; it was said to apply to Millard; Millard denied it, and there was no attempt made to prove that Millard did any such thing. Then it was suggested that it was untruthful to vote at all, after having first said that he would not vote, but I have said enough about that. The notion of saying that a man is untruthful, because he says months before the election, "I have made up my mind not to vote," and then when the excitement of the election comes he says, "Well, I have changed my mind, circumstances have occurred to make me change my mind, and I will vote"—to say that the man is untruthful is to say that a wise and truthful man never changes his mind, which would be about as silly an assertion as a man could well make. Then it was suggested by Mr. Harrop that those men or some of them left voluntarily; I hardly know how to deal with that; many a man does a thing voluntarily which he does not do willingly: a man may run away to avoid a great danger when he would rather not run away, but go quietly on unassailed in the other direction; a man may voluntarily take to his small boat in the middle of the ocean, because his ship is on fire; and a man may leave the service of an angry master upon his own feet, and by the exercise of his own will upon his muscles, without being carried out or without being taken by the shoulder and thrust out. But a man who acts so, although in one sense he goes voluntarily, in another does not go voluntarily; I think he may be said to do the thing by voluntary action, but not to do it willingly. It was well expressed more than two thousand years ago, when one did a thing which he disliked, under influence which he could not resist, that he did it "willing, with an unwilling mind." There was a compulsion put upon

upon these men, which they could not resist; I cannot think that they, having been so long working for Mr. Harrop alone, some of them for years, and all of them for a considerable time, and earning their livelihood in his place, would have abandoned that livelihood of their own free-will, and I am satisfied that all these men would have remained in the employment but for their having promised to vote for Mr. Laverton, and I am satisfied that they would now be working for Mr. Harrop if they had changed their minds as he willed, and had voted for Mr. Phipps.

The next question is, whether this conduct of Mr. Harrop does amount to undue influence within the statute of the 17th and 18th of the Queen; whether it was intimidation within the 5th section of that statute. If he had threatened the lives or limbs of the men, there could be no doubt of that. That would have been within the section; but I do not know that it is mere poetry to say, for it might well occur to the mind of a man working for his bread:

“ You take my life,
“ When you do take the means whereby I live.”

A man who is sent out to live upon the charity of his fellow-workmen, or to go to the workhouse with his family, unless he does a particular thing, is intimidated; but is that an intimidation within the section? Now, I shall deal with this as I am bound to do, as a dry matter of law, and I shall deal with it very shortly, because it admits of being so dealt with. The Act with respect to corrupt practices strikes at three different classes of such practices. The 2nd and the 3rd sections forbid influencing men by mercenary motives, or their love of gain and reward. The 4th section forbids appeals to men's gluttony and meaner appetites. The 5th section forbids, in the terms which have been referred to, appealing to a man's fears by means of violence or intimidation. The Act speaks for itself. It says, that “ every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction, by himself, or by or through any other person, of any injury, damage, harm, or loss.” Upon those words a question might arise whether they are not to be understood in a strict sense, and whether you must not only show damage, but damage the result of some injury for which an action might be maintained at law, and it might be pleaded as to these words, that the damage resulting from being dismissed from an employment where the master had a legal right to dismiss was not a damage coming within that description, and therefore not within the statute. I need not, however, express any opinion upon that, because the following words are large enough to include every sort of intimidation, every sort of conduct which would operate upon the mind of another, and terrify or alarm him into doing what the person misconducting himself willed, against his own free-will, because the words are, “ or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting.”

If any argument were necessary to induce me to hold that a threat of dismissal from employment which is beneficial to a man, in which he had as it were a good-will, and which he might fairly suppose would be continued as it previously was, unless he misconducted himself, that argument is supplied by the 2nd clause of the 2nd section relating to bribery; because amongst other things which are made bribery, is the promising “ to procure,” or endeavouring “ to procure any office, place, or employment, to or for any voter.” And reading the 5th section by the light thrown upon it by the 2nd, I can have no doubt that that which it would be bribery to promise the enjoyment of, it is in this case at least, and with reference to these circumstances, intimidation to threaten the deprivation of. The thing answers to common sense, and it seems to be within the intention of the Legislature, whether you take the general language of the 5th section by itself, or whether you refer for interpretation to the provisions of the 2nd clause of the 2nd section.

I must conclude with respect to this branch, therefore, by saying that in my opinion Mr. Harrop did violate the 5th section of the Act of Parliament, not only by intimidating the men whom he did dismiss, in order to compel them if he could to vote for Mr. Phipps, or to abstain from voting for Mr. Laverton, but that he did also intimidate indirectly all the other men in his employment to induce them to vote for Mr. Phipps, and not to vote for Mr. Laverton.

The only other question remaining is as to the effect of the violation by an agent of Mr. Phipps of the provisions of the 5th section by intimidation. What is the effect of intimidation, such as has been referred to, upon the election? Here I must observe that I do not treat this—indeed, I believe I have already observed that I do not treat this as a single case of intimidation—I must treat it as part of a system which continued throughout the time that Mr. Harrop was, in the sense I have described, and, as I think, within the meaning of the Act, an agent for Mr. Phipps for the purpose of canvassing. The question as to the effect upon the election depends first of all upon the common law of Parliament, and secondly upon the true construction of the 36th section. I entertain no doubt that, if I were asked to decide, I should decide in accordance with what has been laid down already in cases of this description, and especially laid down by my brother Martin, in whose opinion upon the subject I entirely concur. I can entertain no doubt that by the common law of Parliament a single bribe given by an agent at an election did

Westbury.

have the effect of avoiding the election. I need certainly not look into any book upon the subject to ascertain that general bribery would avoid an election. Furthermore, I entertain no doubt that the doctrine laid down and acted upon by my brother Martin is correct, that a single bribe by an agent does avoid the election. It does not fix the candidate with penal consequences, it simply says, that for the public good, in order that the agents employed by candidates may be deterred from resorting to undue means, for the purpose of procuring their election, as a matter of public policy, an election in which an agent has so misconducted himself, shall be void; not to punish the candidate, although it so indirectly operates, but to protect the public, and to prevent the like practices, if possible, for the future.

But it is said there is a distinction between bribery and undue influence and treating, and that difference is said to exist in several particulars. Now, looking at this Act of Parliament, I think it will be found that if the plain *primâ facie* meaning was put upon it, one would suppose that it was intended that all corrupt practices should have the law equally applied to them: "If any candidate at any election for any county, city, or borough, shall be declared by any Election Committee guilty, by himself or his agents, of bribery, treating, or undue influence" (undue influence being already defined by the 5th section) "at such election, such candidate shall be incapable of being elected or sitting in Parliament for such county, city, or borough during the Parliament then in existence."

It is said that that section is inapplicable for several reasons: first, because a single act of undue influence ought not to prevail; that it is hard that Mr. Phipps should be liable for Mr. Harrop's conduct. Well, that is undoubtedly true. As I have already said, the law deals in this instance with the validity of the election, and does not deal with the penalties imposed upon the candidate.

Then it is said that a single act of undue influence by an agent ought not to defeat the election. I find no such limitation in the 36th section. I find that the candidate and his agents are put upon the same footing. The section says, "If any candidate" "or his agents, be guilty of bribery, treating, or undue influence." I will take an illustration. I will not suppose this of Mr. Phipps, because I believe that he is incapable of it, and I believe that he would be as indignant at undue influence being used by others as he is incapable of using it himself. I will suppose it of an imaginary candidate. I will suppose that a candidate at an election is a manufacturer—I will not take Mr. Laverton either, I must take a person somewhat in the position of Mr. Harrop—I will suppose that such an employer informs all persons in his employ (who may be 500 hands, or more), "I shall discharge every man who does not vote for me;" or, "I shall discharge every man who votes for that person who has injured me so deeply." Can I for a moment suppose that a candidate who does an act of that kind is to have any sympathy, or that the law did not intend an election to be void at which such misconduct was proved to have taken place? But if I must hold (and I should do so unhesitatingly) that an election was void which was so influenced by the Member it is inevitable that it must equally be void under the 36th section, if the undue influence was exercised by an agent, because the 36th section says, "or his agents."

Next it is said that it is left in the discretion of the judge to say how much undue influence shall or shall not affect the election. That is impossible. The 11th section of the Act under which I sit is imperative. I have no discretion either one way or the other. I must pronounce for the truth as I believe it upon the facts, and for the law, as I best know it, upon questions of law.

Further it is said that to put that construction upon the 36th section, that this election which has gone by is avoided, would be begging the question, because section 36 means that "if any candidate at an election for any county, city, or borough shall be declared by any election committee guilty, by himself or his agents, of bribery, treating, or undue influence at such election, such candidate shall *in futuro* be incapable of being elected or sitting in Parliament for such county, city, or borough during the Parliament then in existence." That is the argument, and it is no doubt a plausible one, and it was one which passed through my mind when I first had to consider the section (which of course I did before venturing upon these duties, and with the greater assiduity, because of the necessity of pronouncing a determination upon the spur of the moment); but the answer which I gave to that in my own mind is this:—It is in truth a begging of the question, to say that it is a begging of the question, because the question here is not merely whether Mr. Phipps shall *in futuro* be capable of being elected, but whether he shall *in futuro* be capable of "sitting" in Parliament in respect of what took place at the election which has gone by; therefore, the inquiry must be in respect of what took place at or concerning the election which has gone by, and to say that it is begging the question, therefore, is only another form of that mode of begging the question which is forbidden by the legal maxim that you can never set up, as an exception or objection, a thing the validity of which is in question. For the benefit of those who do not recollect this maxim in its original form, I will state it: "*Non debet adduci exceptio ejusdem rei cujus petitur dissolutio*"; it is quite obvious, therefore, that the begging of the question would be in not treating that section as applicable to the election in question.

It was said, fourthly, the influence to defeat the election must be influence operating as a kind of terror. I do not wish to use strong language, but there was a terror, more or less, whether it be more or less, still a terror, amounting to intimidation at Mr. Harrop's factory for some time before the election, and a strong feeling that men would be

be dealt with differently, according as they voted the one way or the other, which feeling produced by illegitimate means is to be prevented, and the persons who are likely to feel it are to be protected by the law.

The next argument was that Mr. Harrop did it not as agent, that although he were an agent and did intimidate under the 5th section, he did not intimidate as agent, and that therefore his principal is not bound; and it was said, and very well said, by way of illustration of that view, that although a master is answerable for a negligent act of his servant in the course of his employment, he is not answerable for his wilful and spiteful act for his own purpose, not in the course of his employment; and that might be carried further, because a master would not be liable to some person run over by his carriage driven by his coachman upon some errand of his own, entirely out of the scope of the employment of the master. There can be no doubt of that; but I might put, on the other hand, a variety of cases in which a principal is held liable even civilly for an act of his agent which he never intended, and at which he is exceedingly displeased: the case of a bank held liable for the fraud of a manager or clerk; the case of a person who employs a man to navigate his boat for hire, held liable for the infringement of a ferry by the boatmen without his authority and against his will; and a case which occurred in London in the rivalry between the omnibuses, where the proprietor of an omnibus was held liable for the wilful act of his coachman in cutting in before another omnibus and injuring the vehicle and the horses, and I think, one of the passengers, for the purpose of getting a fare, having in his mind at the time the compound motive of effecting his own spiteful desire, and at the same time of getting before the other omnibus to get a fare for his master; a case very much considered in the Exchequer Chamber, and which was held by a large majority of the judges to be a case of liability; or I might put even the more apposite case of a man employing another to steer or assist in the management of his vessel in a race, when by the act of one of the crew wholly unauthorised by the employer, a foul takes place in wrong of a rival, and the employer's vessel wins; in such a case, even if it were proved to demonstration that, notwithstanding the foul, the race would have been won by the vessel on board of which the misconduct took place, it would surprise one if, by any rule either of honour or of law, the prize was given to the vessel which was in fault; no innocence of the employer could have any effect upon his loss.

Here, if Mr. Harrop did what he did out of hostility to Mr. Laverton, that certainly cannot add merit to his act; the question is whether the act was done with the object of assisting Mr. Phipps in the course of his canvass. I have no doubt on my mind that the object was to serve Mr. Phipps, though it was to serve him at the expense of Mr. Laverton. The object was to get Mr. Phipps returned, though the motive was to spite Mr. Laverton, and to prevent him from having the honour of representing this borough.

I have gone through the reasons why I was called upon not to adopt the construction which I am satisfied I must put, and if I were to allow myself to indulge any feeling upon the subject, I might say very sincerely I regret in this case to be compelled to put upon the facts and upon the 36th section. I do not regret it with reference to any of the parties concerned except Mr. Phipps himself; but I have no discretion, I must perform my duty.

The only remaining question is with reference to whether I must report the cases of Brown and Barnes, and the others which were brought forward in the recriminatory case against Mr. Laverton. With respect to these, I do not propose to add anything to the observations I have thrown out in the course of the case. Mr. Cole has not been heard upon them, and, at present, I do not think it necessary that I should deal with them. I think a very strong case for inquiry has been made out in respect of the transactions with Brown, and until I heard Mr. Barnes this morning, I even thought I should probably be compelled to report specially the transaction with respect to Mr. Walling, including, of course, what Mr. Barnes did in respect of procuring the 80 *l*. It is not necessary to go into the reasons why that feeling has been removed from my mind. I can only say that with respect to these cases, although there was a very strong case for inquiry, I have arrived, for reasons which I believe I stated at the outset, at the conclusion that I ought to say, "not proven."

What I must do in this case, in pursuance of the provisions of the 11th section of "The Parliamentary Elections Act, 1868," is to determine, first, that this election was void upon the ground of intimidation, within the 5th section of the Act, by Mr. Harrop, an agent of Mr. Phipps. With regard to Mr. Phipps and Mr. Laverton, each of them, I must report that neither candidate was guilty of any corrupt practice, and that no corrupt practice was committed by the consent or knowledge of either of them at the election; and I must further report that, upon the evidence before me, it did not appear that corrupt practices prevailed, nor is there any reason to suppose that they did prevail extensively in the borough at the late election.

I have already intimated that I do not propose to make any order (I am not bound to state any reasons why I make no order) as to the costs, and it is quite obvious why I do make no order. The scrutiny which was claimed has been abandoned; personal attacks were made upon Mr. Phipps, which, in the result, have entirely failed; and the recriminatory case, though it did not amount to proof to satisfy my mind to report against Mr. Laverton, was of so serious and weighty a character that I think it was quite right to bring it before the court.

Mr. Besley.] I am instructed to apply to your Lordship for an indemnity for two wit-

Westbury.

nesses who were called on behalf of the Respondent, Joseph Harrop, and Nathaniel Walling.

Mr. Justice *Willes*.] I think I ought to grant an indemnity to every witness who came before me; I have abstained in the course of my judgment from saying anything with respect to the charge brought against Mr. Ludlow. I think I ought to say now, that that charge ought never to have been brought forward, and with respect to what took place before the magistrates, I appear to have had much stronger evidence before me than they had before them.

WESTMINSTER ELECTION.

Westminster.

JUDGMENT delivered by Mr. Baron *Martin*, 19 February 1869.

Mr. Baron *Martin*.] It seems to me that this case lies in a narrow compass, and as I have in the course of the inquiry complained of the length of it, and of the number of witnesses who have been called (as it appears to me) unnecessarily, I think I ought to state that I have never in my life heard a case more ably advocated on both sides than this has been to-day. The argument has been concise—it has been to the point—and I wish that all gentlemen who appear before me on election petitions would make the addresses of Mr. Hawkins and Mr. Stephen models. I never heard a case more ably advocated than this has been upon both sides.

As I have stated, this case in my opinion lies within a narrow compass. If I thought that taking time would have any effect in altering the determination to which I have come, I would take until to-morrow to deliver my judgment; but as it is obvious that there is a very great deal of anxiety felt with regard to it, I think it better at once to state my determination and judgment.

The petition is presented by Mr. Beal and two other gentlemen, and alleges that Mr. Smith was, by himself and other persons on his behalf, guilty of bribery, treating, and undue influence, and that the result is that he was incapacitated from serving in Parliament for the city of Westminster. The petition is founded upon the Act of Parliament which has been so frequently referred to—the 17th and 18th Vict. c. 102, sections the 5th, the 4th, and the 2nd. And the allegations are that Mr. Smith has been guilty of undue influence within the 5th section, of corruptly treating within the 4th section, and of bribery within the 2nd.

There has been no evidence of undue influence.

There was evidence given on behalf of the Petitioners of treating within the 4th section, but it was very slight, and if that had been the only evidence adduced to affect Mr. Smith's election I should have been prepared, at the end of the Petitioner's case, to have said that there was no case calling upon Mr. Smith to answer. In the first place, there was no evidence that there was anything like general treating, that is to say the opening of public-houses where voters receive drink generally and gratuitously. Nothing of that sort seems to have occurred, and if there was treating, it was a treating in single instances, three of which have been given in evidence; but the material one was that which took place at the "Old Merlin's Cave," kept by Mr. Walker.

The evidence given on behalf of the Petitioners was that upon a particular evening, the 21st of October, there was a meeting held there, that Mr. Smith came, that he sat near Mr. Walker, that immediately, or shortly after, he entered a quantity of champagne was brought into the room, of which he partook, that his health was drunk, and that he made a short speech, and therefrom a very suspicious person might draw the inference that the history of the matter was that Mr. Smith came into the room and secretly directed Walker to produce the champagne, and that the champagne was produced for the purpose of corruptly treating the voters who were present.

I should draw no such conclusion from that evidence. If it be desired to prove before me that a man corruptly treats, I must have plain evidence of it. But Mr. Smith is called, and he gives the clearest possible explanation. He says that he went to the room, and that Walker, being then either drunk or half drunk, upon his going in ordered champagne, and that he (Mr. Smith) was as much annoyed about it as any man could be—which I can very well understand; that he did not get up and leave the room at once—and I think it can scarcely be expected that he would; but that he took a small portion of the wine, made a short speech, and left. I need hardly say, and indeed Mr. Stephen has said it already, that the answer is complete, and therefore there is no ground for impeaching this election upon the ground of treating.

The next head is bribery; and no doubt there is a substantial case; and there has been a great deal of evidence on this matter which is worthy of consideration. This is the fifth case which I have had to try; and the first inquiry I have made in every case has been, whether it has been proved to my satisfaction that the candidate really and *bonâ fide* intended that the election should be conducted according to law; that he would himself be neither a party nor privy to any illegal conduct, but that he *bonâ fide* and honestly meant

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to carry out the Act of Parliament; that he would not stand by and know of bribery being committed, or treating, or undue influence, but that he would set his face against these practices, and, as far as a man could himself do, prevent illegal acts being done. That is the first inquiry which I have made in the cases that have been before me. And I am satisfied in this case that Mr. Smith *bonâ fide* intended not merely that there should not be bribery or treating, for every man intends that and wishes it, but I am satisfied, upon his evidence, that he honestly and *bonâ fide* meant that there should not, on account of his election, be any illegal acts done. I am satisfied of that from the whole course of the evidence; I believe Mr. Smith's own statement, that he intended if he entered Parliament he would enter it with clean hands; that he would have nothing to do with bribery or any illegal conduct, and that, so far as he knew, that intention had been carried out. I therefore begin this inquiry with the belief that Mr. Smith meant honestly to comply with the law.

But I think that there is a matter which very much confirms Mr. Smith. That which strikes most against him, in my mind, is the enormous expenditure. I do not want to use language that would be offensive to any one, but it has been spoken of even by Mr. Hawkins as profuse, and it has been pronounced by Mr. Stephen extravagant; and perhaps another word might be used with regard to it, for an expenditure of nearly 9,000 *l.* upon an election is a thing almost incredible.

But I think there is an observation which arises strongly in favour of Mr. Smith. Both he and Mr. Isaacson gave an account of the sums which the latter received from him, and it appears that up to the day of election, the 17th of November, Mr. Smith had advanced only 4,500 *l.* I do not mean to say that that is not a very large and a very extravagant sum, for I think it is; but Mr. Smith, upon the day when his seat was either secure or not, knew only of an expenditure of 4,500 *l.* The residue was paid afterwards, and 2,000 *l.* as late as the 16th of January; and in all probability, if we had the whole truth of this matter, it would be found that Mr. Smith was very much surprised at being called upon to pay the additional sum of 4,500 *l.*; and I think Mr. Smith must be judged with regard to this matter upon the expenditure of 4,500 *l.*, and not upon the expenditure of 9,000 *l.*

But if bribery has been committed by any person for whom Mr. Smith is responsible, it would unseat him. The law is a stringent law, a harsh law, and a hard law; but the amount of corruption that existed in this country, whereby boroughs were bought wholesale, was such as to constrain the Legislature to pass the Act of Parliament to which I refer. But it is a harsh law; it makes a man responsible who has directly forbidden a thing to be done, when that thing is done by a subordinate agent. It is, in point of fact, making the relation between a candidate and his agent, the relation of master and servant, and not the relation of principal and agent. It was what my brother judges and myself, in a consultation (so to speak) which we had upon the subject, unanimously arrived at; and it is what both Mr. Justice Willes and Mr. Justice Blackburn have more than once declared to be the law; but I think I am justified, when I am about to apply such a law in requiring to be satisfied beyond all reasonable doubt that the act of bribery was done; and that unless the proof is strong and cogent, I should say very strong and very cogent, I ought not to affect the seat of an honest and well-intentioned man by the act of a third person. When I came to apply my mind to the evidence I should require to see, in the first place, that there is agency; in the second place, I should require to be satisfied and certain that there could be no mistake with respect to the alleged act of bribery. I think that this is reasonable and right, and upon this principle I have acted hitherto, and upon it I will continue to act.

There are three cases, or three heads of cases, to be considered with respect to this alleged bribery. I will first take the case of Davis. With regard to Davis, I am of opinion that he was not an agent of Mr. Smith for the purpose of affecting him with bribery. I mean to give no opinion, for it is not necessary, as to whether Davis was telling the truth, or whether the other five witnesses were. I avoid, as far as I possibly can, coming to a conclusion that one man is perjured, or that another man is perjured. It is a very disagreeable duty for a single judge, especially if he is called upon to give his reasons why he arrives at one conclusion more than another. It is easy enough for a jury, whose verdict depends upon whether one witness or another witness, or one set of witnesses or another set of witnesses are perjured; it is easy enough, I say, for them to form an opinion and deliver a verdict, "guilty" or "not guilty," "for the plaintiff" or "for the defendant." But it is a very different matter for a person to enter upon a public examination of evidence, on the one side and the other, for the purpose of satisfying others that he has arrived at a correct conclusion as to whether one man or one set of men is perjured rather than another. But, in this case I am not driven to form any conclusion of that sort, for, as I have already stated, in my opinion Davis was not an agent of Mr. Smith for the purpose of affecting his seat.

It has been proved, as has been stated by Mr. Stephen, that there was this body who called themselves the "London and Westminster Working Man's Conservative or Constitutional Association," I have no doubt that the persons who were active in it were of opinion that their political opinions were right; but although the society was assumed to be formed of working men, the subscriptions coming from those working men were next to nothing. I see that there was a subscription of 1*l.* 18*s.* within one period, and of 1*l.* within another period, and that for the last period the subscriptions coming from them amounted to 7*s.*, and that all the rest of the funds of this society, which were

Westminster.

considerable; came from a subscription of 60*l.* from Mr. Smith himself, but he had withdrawn from it upon his becoming a candidate; two subscriptions from his partner Mr. Lethbridge, and various other sums from other persons, who I have no doubt subscribed, expecting that this money would be beneficially expended for the purpose of promoting their political views. Mr. Davis was a person who canvassed for that society, and I think that the evidence is clear that there were two independent sets of canvassers, and that this society having got funds to a considerable amount, spent them in endeavouring, as far as they could, to induce persons to vote for Mr. Smith. But the evidence is that this was an independent agency, and that this body was acting on its own behalf; and I think that the letter which has been read from Mr. Edwards proves it, for he speaks of a desire that Charles Wheeler, who was a canvasser on behalf of a branch of this society, should bring his book, for the purpose of its being compared with the other books; and I cannot think that (they having attempted to canvass at first by memorandum-books, which did not give them the names of the voters) the circumstance of Mr. Edwards supplying them with duplicate canvass books, in which the names of the voters were written, was such as to create an agency.

The next evidence of agency is, that the name of this gentleman, Mr. Davis, is contained in the list which was handed up to me to-day. This is a list headed "Westminster election, 1868; committee for promoting the election of William Henry Smith; chairman, the Earl of Dalkeith; vice-chairmen, George Cubitt, Esq., and James Watney, junr." Then there follow a number of names, which are stated to be upwards of 600, printed in small print on this paper which I hold in my hand, and amongst them appears "F. Davis, Esq., 87, York-street, Westminster," which I have no doubt is Mr. Davis.

Now I have said, and the other judges have said, that bribing by one of his committee would affect the candidate, but I spoke of what I then understood to be a "committee"; I meant a number of persons, comparatively few—of course, in a county that extends over a considerable district it would be large—who were entrusted by the candidate with the work of carrying out his election, in whom he put faith and trust, and who in fact, were his agents for the purpose of carrying it out, but I have never supposed, nor do I believe, that either Mr. Justice Blackburn or Mr. Justice Willes ever considered that where a number of people (600 or 700) choose to call themselves "a committee," thereupon they become "agents" of the candidate, for the purpose of making him responsible for an illegal act done by one of them. I do not think that it is so, and I think it would be absurd if I were to take any man in this list (Lord Dalkeith, for instance, who, I suppose, merely lent his name as an influential man at the head of it, or Mr. Cubitt, or Mr. Watney), and to say that because one of these persons did an illegal act, such an act should affect Mr. Smith. I think it is a conclusion that could not be borne out by common sense. The committee man whom I mean, and whom I would hold Mr. Smith to be responsible for, is a committee man in the ordinary intelligible sense of the word, that is to say, a person in whom faith is put by the candidate, and for whose acts, therefore, he is responsible. For that reason, in my judgment, the Petitioners have failed to make out that Davis was an agent, so as to affect Mr. Smith by his act.

The next head of alleged bribery is that of acts of bribery by John Wheeler, and by young Halton. Now, John Wheeler is a person for whose acts Mr. Smith would be responsible, and if it were proved to my mind satisfactorily that John Wheeler's statement was the truth, I should feel, however reluctant, that I was bound to declare Mr. Smith's election void; that he, by the act of John Wheeler, had his status as a candidate destroyed; that he became incapable of being elected, and that, upon a bribe being administered and taken—administered by John Wheeler, for instance, to Overton—that would *ipso facto* destroy Mr. Smith's candidature, and render him incapable of being elected. But I should be doing an injustice to Mr. Smith if I acted upon the evidence of John Wheeler, contradicted as it has been by the evidence of Overton himself was by no means satisfactory, but, nevertheless, I do not think that I should be acting fairly in the administration of this law if I decided the case simply upon the evidence of John Wheeler, who is a traitor, and who admits that he is so, and gives evidence against the cause in which he was engaged. Believing, as I do, Mr. Ford's evidence that he stated to him at the time he called upon him that there was no bribery, and contradicted as he is by a variety of witnesses, I do not think that, sitting here judicially, and when I say judicially, I am not sitting as a judge merely, but as a jury, I ought to act upon that man's evidence as proving individual acts of bribery so as to affect Mr. Smith.

All the alleged cases of bribery have been gone through by Mr. Hawkins and by Mr. Stephen fully, and I do not believe that I should be conferring an advantage upon any one by going through them again. But if I were a jurymen, sitting in that box to deliver a verdict, I should find that I was not satisfied by the evidence of John Wheeler.

This disposes of two heads of those cases; I will only say, with respect to the case of John Hole, that his may be a strong case; but although young Holton seems to have been active with regard to the election, I cannot hold that an act done by him because his father was a person for whom Mr. Smith would be responsible, would make young Holton one also.

These are the cases. I think the case of Overton the strongest. As I have said, I by no means thought Overton's evidence satisfactory; I thought he dropped a few expressions which sounded as if what John Wheeler had said was true; but nevertheless he

he did in substance deny it. As Mr. Stephen very truly said, he did inadvertently in his cross-examination prove a case of bribery; I mean a case of bribery so far as Overton was concerned. Nevertheless, he was no agent of Mr. Smith's to affect him by this bribery, and I could not, because a board was sent to this woman, imply that therefore she was bribed by an agent of Mr. Smith's.

The most important part of this case, and to which Mr. Stephen principally addressed his observations, is whether or not the conduct of Mr. Smith's agents with regard to the boards was bribery. For me to decide that Mr. Smith was incapable of being elected by reason of these boards, I must be satisfied "*that, when those boards were issued, there was in the mind of Mr. Grimston, or in the mind of Mr. Edwards, the intention that the payment with regard to them was to be, not for the purpose of compensating the persons for exhibiting them, but was in their minds intended to be a benefit given to those persons in order to induce their votes.*" I think that that is the real question which I have to decide, and when Mr. Hawkins was pressing yesterday the evidence of voters that they were not affected by reason of having those boards given to them, I stated to him that I did not think that that was the real question; the question which I have to try is whether in the mind of Mr. Grimston, or in the mind of Mr. Edwards, there was an intention that the benefit to arise to those persons from the exhibition of those boards should influence their votes or induce them to vote. In this Act of Parliament in some cases the expression used is to "influence the vote," and in others it is "to induce the vote," but I do not see any difference. In the section as to bribery, it is "in order to induce any voter to vote," and I ought to be satisfied beyond reasonable doubt as to bribery, that that was the object with which they furnished those boards, and contracted to make the payments in respect of them.

Now, I do not say that there is not evidence to lead to that conclusion. In the first place, there is the enormous expenditure compared with that of Messrs. Grosvenor and Mill. I think that Mr. Stephen did right when he deducted from the two sums the payment made to the returning officer; the gross sum is divided into three, and each candidate bore a third of it. Mr. Smith's share of that expenditure was 254*l.* 10*s.*, and deducting that from the 8,900*l.* odd, the expenses of his election were 8,655*l.* 7*s.* 7*d.* That is a sum beyond reason. Deducting 509*l.* which was the sum paid by the other two candidates, the expenses of their election was 1,687*l.* I cannot but say that that is a suspicious circumstance, and taken together with other matters which I shall speak of, might affect very much the mind of a person desirous of arriving at a true conclusion.

But, secondly, there is the charge for the boards themselves; 209*l.* was paid for boards in this district. What a sum! 209*l.* paid to people for allowing a board to stand outside their windows! The thing of itself is a suspicious circumstance. But, again, there is another circumstance—there is the non-production of the vouchers. Mr. Isaacson, as I have said already during the inquiry, I have known for many years, and I believe he is an exceedingly respectable man. But Mr. Isaacson was called upon to obey the enactment which distinctly states that an account of the election expenses incurred on behalf of a candidate, together with the bills and vouchers relative thereto, shall be delivered to the returning officer. "Bills and vouchers," mean all the bills and vouchers. That is the plain meaning of the Act of Parliament, and when I find that bills and vouchers are kept back, how could anybody help suspecting that there was something wrong in this election; and what a strong circumstance it would be, standing by itself.

Thirdly, there was the employment of Mr. Edwards. I do not mean to say anything offensive to Mr. Edwards. I wish to avoid it. But Mr. Edwards, according to his own statement, was a person who, up to 1851, was for years employed in bribing electors at St. Albans, and he could not say, in answer to the question put to him by Mr. Stephen, that he had not expended as much as 18,000*l.* in the corruption of voters there. As I have said, I wish to say nothing offensive to anyone; but a more indiscreet act than the employment of such a person in an election I cannot imagine.

There is, then, this further circumstance, the alleged excessive charges with regard to those boards. There is contradictory evidence, and I do not think it necessary for me to express an opinion. But there was the evidence of three respectable men, one of them a man who is an inspector, on behalf of the theatres, of the boards exhibited in shops, as to the performances at the theatres. According to him, this charge was a hundred times as much as it ought to have been; according to him, it ought to have been at the rate of 7*s.* per hundred boards per week, whereas there was paid 7*s.* for each board per week. There is the evidence which you heard yesterday to which Mr. Hawkins has referred to-day to the contrary, I do not know that there is occasion to enter with minuteness into this matter.

There was next the evidence with regard to those two letters upon which Mr. Stephen commented very lately, and if I were satisfied that that letter which Charles Wheeler said he wrote—although Charles Wheeler was not an agent whose conduct would affect Mr. Smith, because he stands in the same position as Davis—if, I repeat, I were satisfied that the copy letter which he wrote in court was really and truly a copy of the letter that he wrote to Mr. Edwards, I do not know what effect it would have had upon my mind. But I am not satisfied of it. The evidence of Mr. Edwards, with regard to that does not convince my mind that the real contents of that letter have appeared. In addition to that, you have the evidence of the two Wheelers (taking it for what it is worth), of what was actually done with respect to the boards. I

Westminster.

have already said what the point is upon which the case turns. It turns upon whether or not the exhibition of those boards and the payment for them was really *bonâ fide* and honest. What have we in favour of that? In the first place, we have the evidence of Mr. Edwards. I do not desire to say anything offensive to Mr. Edwards or that would cause him pain; but if his evidence had stood alone, I could not have failed to have taken into my consideration his antecedents. I daresay that what Mr. Edwards said is true, that in the year 1851 bribery was regarded as a different thing from what it was regarded in 1868 or is regarded in 1869, and probably persons who live to see another general election may find that further progress will be made in 1873 or 1874. That may be so; and if a case were to be tried, and the same evidence adduced in 1873 or 1874 as has been adduced here, the person who sits in the position which I occupy might form a different conclusion upon it. But, if the case stood upon the evidence of Mr. Edwards, it would go to negative that which is essential for the unseating Mr. Smith; and although circumstantial evidence was strong against him, yet if his evidence was true, it would negative that which is essential to unseat Mr. Smith. But Mr. Grimston has given his evidence upon this matter, and he has stated that which, if it be true, proves that the exhibition of the boards was not dishonest. He has sworn so. He is a gentleman of position and name; he was formerly a member of the Bar; he has retired from it, but he has been a public man; he has been the chairman of one of the telegraph companies, I believe the most extensive in the kingdom, and his character for honesty and uprightness and veracity has never been questioned. No doubt this was an imprudent thing; a suspicious thing; but he has pledged his oath that it was done *bonâ fide*, and that he had no intention, nor, as far as he knew, had Mr. Edwards of using it as a means of bribing. And therefore, believing Mr. Grimston's evidence, I am justified in concluding that the supplying of those boards was not colourable but a real *bonâ fide* act for the purpose of having them exhibited to the public. It has been proved satisfactorily, I think, that there was a difficulty in this district in finding places where boards and placards could be exhibited, and that this plan was had recourse to for the purpose of giving publicity to the candidature of Mr. Smith. It may have been overdone; it may have been that some persons have had improper views with regard to it. But I think when I have to determine whether there was passing in Mr. Edwards' and Mr. Grimston's minds a design to evade this Act of Parliament, and to act colourably, I am bound, believing, as I do, the evidence of Mr. Grimston, to say that, in my judgment, the case has not been made out against Mr. Smith. It is therefore my determination that Mr. Smith has been duly elected.

There are two other matters which I have to report upon. It is that I have no reason to believe that corrupt practices have generally prevailed in Westminster, and that I have no reason to believe that any candidate connected with this election has been guilty of any corrupt act.

The only other question is the question of costs. With regard to that matter, it has been my desire that costs should follow the event. In one instance I departed from that, because I thought, and apparently with the consent of the learned counsel for the Respondent, that the case was not one for costs. But although my impression is that costs should follow the event, I certainly should not give the entire of them, for in my judgment this case has lasted too long. If I make any direction as to costs at all, I shall probably make some direction, stating what amount of costs I think the Petitioners should bear; but I observe that some of the other judges, in more cases than one, have proceeded upon the principle of not giving costs, and if, in their judgment, or, I should rather say, if we, in our joint judgment, when I have an opportunity of seeing them, consider that we ought to be governed in giving costs by the consideration as to whether there was reasonable and probable cause for this petition, I should be inclined not to give costs, for I think that there was reasonable and probable ground for the petition, indeed I think there was strong ground for it. But with regard to that matter, I will take the first opportunity I have of seeing Mr. Justice Willes or Mr. Justice Blackburn, or perhaps both of them, and I will communicate to the Registrar (Mr. Avory) what determination I arrive at.

Mr. *Hawkins*.] With reference to any special directions as to costs, perhaps your Lordship will allow me to say this, that we had delivered to us a long list of 100 persons, who were alleged to have been bribed, and we were therefore obliged to be prepared with the evidence of all those persons.

Mr. Baron *Martin*.] I can only form my opinion from the evidence adduced to me. This case has now occupied nearly seven days, and I certainly have a very strong impression that it has lasted too long.

WEXFORD ELECTION.

Wexford.

JUDGMENT delivered by Lord Chief Justice *Monahan*, 12 January 1869.

Lord Chief Justice *Monahan*.] It fortunately happens that we can decide the question arising on the Wexford petition without considering at all the cases which have been cited

cited in the argument. I think only a little common sense is required for the decision of such a case as this, unless there is some actual common law authority against common sense, which, happily, there is not in this case.

The facts appear to be these,—the election is duly held, the people are all properly assembled, the candidates are duly proposed and seconded, a show of hands is taken, and the sheriff gives a decision (I take it for granted very rightly and properly) that the show of hands is in favour of Mr. Motte, and he announces that decision. He does not, however, declare that gentleman duly elected, because the moment the show of hands is declared to be in favour of one of the candidates, it is the right of any elector present to demand a poll in favour of any of the other candidates. That poll was demanded, and the sheriff, in the proper discharge of his duty as returning officer, said, as he ought to have done, that the poll would be regularly taken on the day but one after, that being the day appointed by the Act of Parliament for the purpose. We are asked our opinion as to what could have been done, supposing that, instead of adjourning to the right day, he had adjourned to a wrong day. I can only say, when that case arises it will be time enough to consider it. In the present case the sheriff adjourned his court to the right day, and thereupon, as is usual in such cases, the parties set about bandying compliments to one another, to the sheriff amongst the rest, or to the Mayor “for his dignified conduct in the chair.” And then the court having been adjourned, and the parties having stayed only for the purpose of voting thanks to each other, Mr. Motte says, “I retire from the contest; I will not put the electors to the trouble of having a poll, as I am perfectly satisfied that the poll will go against me if it is taken.” Now, it is said, on the one hand, that Mr. Motte is in no default whatever, but it is clear that what afterwards occurred, occurred in consequence of that false step taken by Mr. Motte. Then it is said, on the other hand, that Mr. Devereux is in no default. He is in this default, that that false step having been taken by Mr. Motte in withdrawing after the adjournment of the court, he (Mr. Devereux) endeavoured to avail himself of it by inducing the returning officer to make a formal return to the clerk of the Crown that he had been duly elected. He did that before the time had arrived at which the poll was to be taken, and it was altogether a thing which he had no authority whatever to do.

It is quite plain upon mere common sense (and there is no authority against it) that the election was void, and that neither Mr. Motte nor Mr. Devereux was elected, and we must, therefore, answer the questions in the special case accordingly. The first question is, “Was the said Richard Joseph Devereux duly elected?” Our answer to that is, “No, he was not.” The second question is, “Was the said Standish Motte duly elected?” Our answer is, “No, he was not.” The third question is, “Was the said election void?” Our answer is, “Yes, it was.” Each party will bear their own costs.

The other learned judges concurred.

Mr. *McDonogh* (appearing for the plaintiffs).] I am requested to remind your Lordships that Mr. Motte is not the Petitioner here; it is the electors, whose rights have been invaded, who are the Petitioners, and they have succeeded in getting the election declared void.

Lord Chief Justice *Monahan*.] They have succeeded partially; they have not succeeded in obtaining the seat for Mr. Devereux, which they prayed for; therefore we shall not give costs to either side.

WIGAN ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 6 March 1869.

Wigan.

Mr. Baron *Martin*.] THIS is a petition presented by Mr. Daniel Brayshay and Mr. William Atkinson, by which they pray that it may be determined that the election of Mr. Henry Woods and Mr. John Lancaster was void, and that they were not duly elected or returned. A great variety of grounds are stated, but there have been only four as to which evidence has been given, and with those four I need only trouble myself. The first ground upon which the election is said to be void, is that acts have been done by their agents (for no personal misconduct has been imputed to them), which of themselves destroy their candidature, and render their status as candidates not maintainable, and that those acts of themselves have rendered their election void. It is true, that if any act has been done by them or by an agent for whom they are responsible, contrary to the provisions of the Corrupt Practices Act, the operation of that, together with the 36th section of the 17th and 18th of Victoria, and the 46th section of the 31st and 32nd of Victoria, will defeat their election.

I have tried several of these petitions, three of which have been similar to the present; that is to say, the candidates were sought to be unseated by reason of such acts as have been alleged. I have laid down a rule to myself, which I have acted upon in

Wigan.

all these cases, and upon which, until I am satisfied that it is wrong, I shall continue to act; that is to say, if I am satisfied that the candidates intended honestly to comply with the law, and meant to obey it, and that they themselves did no act contrary to the law, and *bonâ fide* intended that no person employed in the election should do an act contrary to the law, their desire and object being that the proceedings in reference to the election should be pure and honest, I will not unseat such persons upon the supposed act of an agent, unless the act is established to my entire satisfaction. I will not act upon anything as to which there possibly may be a mistake or error; I will have it proved; but if it be proved to my satisfaction, and beyond doubt, I must obey the law, and I will obey it. But I think I do right, when an election is sought to be impeached, not because of an act done by the candidates themselves, but for an act which they have forbidden, in requiring to be convinced beyond possibility of error, that the act relied upon by the Petitioners which is to unseat the Members did actually take place. That is the principle upon which I have acted in the Bradford case, in the Cheltenham case, and in the Westminster case, and I shall continue to act upon it until I am satisfied by some higher authority that it is wrong. I apprehend that my function here is simply to act upon the law as if I were trying a case at *Nisi Prius*. I have no discretion in the matter; I must act upon the law and the Act of Parliament which imposes the disqualification, and read it according to what its words import. I have no right to go beyond those words. So also it is not because things may have been done at an election of which I do not approve; for instance, having committees at public-houses, hiring a number of carriages, which now, in borough elections, is prohibited, or hiring roughs. None of these things of themselves avoid an election, but at the same time they are ingredients which may be taken into consideration. If an act were done by a candidate as to which I was to determine whether it was a corrupt act or an innocent act, the conduct of the parties throughout the whole election may be taken into consideration. It may be that evidence is given as to acts done by the candidates which of themselves do not avoid the election. It may be, that although the election cannot be avoided for those acts, yet nevertheless those acts may show what was the real quality and meaning of an ambiguous act, which may have one effect or another, according as the judge's mind is satisfied that it was honestly or dishonestly done. It may be that at an election, certain acts may have taken place which the judge disapproves of, but which do not satisfy him that another act upon which the validity of the election depends was corruptly done. But if, upon a future election petition arising out of another election at the same place, acts similar to those of which the judge had expressed his disapproval were proved to have been repeated, the judge who tried the second petition might well take them into his consideration to aid his conclusion that the act upon which the validity of the election depended was a corrupt and dishonest act.

I will state first what I have to say as to the general conduct of this election. It seems to me it is impossible, so far as Mr. Woods and Mr. Lancaster are concerned, that any persons could have conducted themselves with greater propriety than they have done. They pledged their oaths yesterday that they intended throughout to act according to law, and upon pure principles, and there has not been a single circumstance which has occurred during these proceedings to indicate that anything else was their intention. There has been no general bribery; there has been nothing like that which has occurred elsewhere. There has been no treating; not a single public-house was opened during the time that the election was going on, which I think was a most commendable thing; for opening public-houses and having committees in public-houses are means of inducing partisans to go there to drink. Then, again, there have been no paid canvassers, which I think is also very much to be commended; no hiring of carriages, nothing of the sort. It is impossible that any two gentlemen can stand better than they do with respect to their general conduct during this election. But that will not do; for, according to the construction put upon the Act of Parliament, which we have all adopted, if there has been within the meaning of the 17th and 18th of Victoria, cap. 102, bribery, or treating, or undue influence exercised by any person for whom the candidates are responsible, their election is null and void.

With respect to the 49th section of the 30th and 31st of Victoria, it is not necessary that I should give any opinion, because I am of opinion that no agency has been proved in respect of Wilcock. It has been argued by the learned counsel for the Respondents that, upon the true construction of this Act of Parliament, the doctrine which has been laid down with regard to the 17th and 18th of Victoria does not apply, and that is rather my own impression; I do not mean to give an opinion upon it, because it is unnecessary in this case. The circumstances were these. There is a body in this town called the Liberal Association, and Mr. Giffard has argued that the persons who subscribe to that association are in the nature of a partnership, and that the giving funds to Mr. Stuart for the purpose of enabling him to carry on that association made him their agent, so that acts done by him would be obligatory upon them, and they would be bound by them. From that view I dissent. There is no similarity to a partnership. It has given to it the collective name of the Liberal Association, but the only person acting is Mr. Stuart. It was stated that Mr. Woods and Mr. Lancaster contribute to it, and that a number of other gentlemen, agreeing with them in politics, also contribute. But this does not make Mr. Stuart their agent, so as to bind them by his acts, either criminally or civilly, no more than the manager of a club to which a gentleman may belong could make him responsible for
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the acts of that manager. Mr. Giffard, in his observations, referred to the case of Limpus against the General Omnibus Company. This case was governed by the law applicable to the relation of master and servant, which is different from that of principal and agent. The relation of master and servant imposes upon the master a liability for an unlawful act done by the servant in the course of his employment, and notwithstanding a prohibition which may have been given to him by the master: notwithstanding that the instant before an accident occurred he had impressed upon his servant or coachman the necessity for driving with the utmost possible care, if the next moment that man disobeys the order received from his master, and inflicts an injury upon another person the master is responsible for it; and why? Because the relation of master and servant exists between them, and creates the liability. But the ordinary rule with regard to principal and agent is, that the principal is only responsible for that which he authorizes the agent to do, and in all other cases of which I am aware, except these Parliamentary cases, when you have a man who is sought to be made liable upon the acts of his agent, the question for inquiry is, did the principal give the agent authority to do the act? If that be negatived, the principal is not responsible, the rule of law, is, that if a man acts through an agent he can only be held responsible to the extent of the authority he gives the agent. In my opinion, as at present advised, it would be necessary, in order to establish that a person had corruptly paid a rate when the rate was in fact paid by a third person, to show that that person was authorized by the person sought to be charged to pay the rate. The enactment is, that any person corruptly paying a rate on behalf of a ratepayer for the purpose of enabling him to be registered, is guilty of bribery, and my present opinion is, that in order to make a third person responsible for that act you must prove that he gave authority to the person to do the act. However, it is not necessary for me, as I have already said, to express any opinion upon that. I have pointed out what, in my judgment, is the difference between a partnership and this Liberal Association; and that there is no partnership privity between the parties subscribing, and no relation of principal and agent. In fact, Mr. Stewart is the Liberal Association, unless so far as the subscribers personally interfere, when of course they would be responsible for their own acts.

I am of opinion, that there is no agency proved to have existed between the Respondents and Wilcock. At the conclusion of the proceedings on Thursday, I intimated a doubt to Mr. Giffard about it. Upon the following morning, Mr. Giffard called Mr. Wilcock, and, so far from his evidence proving agency, it proved directly the reverse. But putting Mr. Wilcock aside, and considering that he had done what may be taken for the present purpose to have been bribing within the 49th section of the 30th and 31st of Victoria, what is the evidence of Mr. Stuart? Mr. Giffard has not done more than justice to him; no man ever gave his evidence more fairly and candidly; and he swore in the most positive manner that he had had nothing to do with it, and did not know that it had been done until he was called upon by one of the agents of the Petitioners, that he never sanctioned it in any way. Wilcock was the person employed by him to attend to the register, or to be the objector-general, as he was called; that gave him no authority to bind Mr. Stuart by an act of bribery; and if Mr. Stuart had been indicted for the misdemeanor, upon the assumption that what Wilcock did was bribery, I do not believe any judge would, upon the evidence before me, allow the case to go to the jury. There is no evidence against Mr. Stuart, and much less is there any evidence against Mr. Woods and Mr. Lancaster. In my judgment, subscribing to the fund, for the purpose of having the registration attended to in the borough, whether it be a Conservative Association or a Liberal Association, does not make the subscribers to that fund partners, and does not confer any authority upon the person who manages it, to make them responsible for an illegal act that may be done by the manager.

I think, therefore, that the case against Mr. Woods and Mr. Lancaster fails so far as regards the payment of rates. Then the question arises, whether or not any acts have been done by agents which violate the 17th & 18th Vict. c. 102. I have gone through the evidence, and have written down the 11 cases which seemed to me material. There were a variety of others mentioned yesterday, in which William Hilton and Samuel Lancaster, and a man called Johnston, were concerned. These were acts done by them with regard to persons employed in a colliery. It seems that there has been lately established a company called the Wigan Coal and Iron Company, and that it consists of what were formerly 20 collieries, and many ironworks belonging to different persons, of whom Lord Balcarris is the principal; and of this joint stock company Mr. Lancaster is the chairman. But it appears also that there are other persons associated with him, and especially Mr. Hewlett; he is the manager, and the principal person in it. His views of politics are adverse to Mr. Woods and Mr. Lancaster. I do not know that that makes any difference; but it is not very likely that persons who were engaged under him would do acts of which he would disapprove, and which, if they came to his knowledge, or if complaint were made to him, he would rebuke, and probably bring the matter before the directors. But it has been said that a number of persons who were employed were asked for their votes by Hilton and Samuel Lancaster, in such a manner as to cause a breach of the 5th section of this Act of Parliament. It seems to me that Hilton and Lancaster have been sought to be made responsible for certain acts or conversations, which may be very easily misrepresented. They have sworn in the most positive terms that they did not, from the beginning to the end, either threaten or use threats to turn off people; and although no doubt active partisans of Messrs. Woods and Lancaster, they

Wigan.

did nothing of the kind which has been imputed to them. Acting upon the principle that I have already mentioned, I think it would be absurd to unseat these gentlemen by reason of those acts, or supposed acts, of Hilton and Samuel Lancaster. Mr. Giffard seemed to rely upon the following cases. I will take first the case of Sloane, I have before me the shorthand writer's notes of the evidence of Sloane, and when I have stated what it is, it would be to bring the law into contempt if I were to unseat these two gentlemen by reason of it. The evidence is this: "Do you live at No. 19, Little London?—No, No. 23. Are you a tailor?—Yes. About two months before the election, did you see Messrs. Woods and Lancaster in Standish Gate?—Six weeks before the election. Were they on their canvass?—Yes. Was there anyone with them that you knew?—Mr. John Smethurst and other gentlemen—I did not know their names—were with them; Mr. Smethurst was with them, and other gentlemen, but I did not know who they were. Did you speak to Mr. Smethurst?—Yes. Did you tell him about your vote?—No. Did you say anything about the canvass?—No; he never spoke to me about voting; nothing to that effect at all; he never mentioned to me about the vote at all. Did Mr. Smethurst mention anything about the "Millstone" public-house?—Yes, he did. What was it?—Before that, he asked if we could direct him to a gentleman he wished to canvass; the gentlemen was gone away from the house, and we directed them beyond Ince Green-lane. I said I was dry, and Mr. Smethurst said, 'You can go into the "Millstone" and get two quarts of ale in my name, if they will let you have it,' and accordingly we did go, and we got it on that account; that is all that passed. How did you vote?—For Mr. Lancaster and Mr. Woods. Do you mean to say that nothing passed between you and Mr. Smethurst about your vote?—Nothing at all; that is all I know about it; that is all that passed." To say that that act was an act of treating, which must be corruptly done for the purpose of inducing a person to vote, when not one word was said about the vote, would be absurd. The next cases are three, These are what I will call Mr. Smethurst's cases. Mr. Smethurst is a man who stands in one of the most estimable positions a man can stand in in this country. It appears that 40 years ago he was a working collier, and that by industry and integrity he has attained to the position of being a large colliery owner, himself employing 1,200 men. He seems to be better than that; he appears to be a kind and generous man; he has not forgotten his old acquaintances, the people with whom he used to work. He is in the habit of coming to this town, and many of those men are at times out of employment. And it is clear that these colliers are in the habit of going to him to get a shilling or sixpence; and that he has assisted them in this way to a great extent. The whole of these cases with regard to him lead my mind to the conclusion that the 10 s. which he gave away was not given to operate upon votes, and that it would be a forced and untrue construction upon his conduct to come to such a conclusion. I do not believe that any jury, upon such evidence, would find that those acts had been done to induce men to vote. The first person to whom I shall refer is Thomas Hilton. He is not a voter at all; but it appears that he was standing with two other men, called Santoss and Barker, who were voters; that they came to him to get money to obtain drink, and he said, "I cannot give it to you, you know that I cannot give it to you"; but he did give a man called Bentham 2 s. 6 d. upon being pressed by them, and upon being told that Bentham was not a voter. The case seems to me to resolve itself into a case of treating rather than a case of bribery. Having got the 2 s. 6 d., they went away and spent it in drink together. How could any person, after the evidence which Mr. Smethurst has given as to the circumstances under which it was given, arrive at the conclusion that the money was given corruptly for the purpose of inducing voters to vote. It would, in my opinion, be an outrageous conclusion, and which I am certain no jury would draw. Then Fairclough's case; I believe that Heyes, who gave the evidence, committed perjury. I believe that he misrepresented that transaction. The transaction was this: Heyes was standing with five or six other men when Mr. Smethurst passed, and it appears that they applied to him to give them money for drink. He said that he would not do so, and walked away, but he beckoned Fairclough, and Heyes did not say that he heard what passed between Mr. Smethurst and Fairclough, but he says that when he came back Fairclough had 5 s., and the whole of them went to a public-house and spent 2 s. of it for drink. Now that is the case proved by Heyes. Mr. Smethurst is a man who rose from an humble origin, and he had an aunt who was living in an almshouse in the neighbourhood of this town. Upon the day before this happened a message had been sent to him, that his aunt was unwell. He came into the town; and Fairclough, and another companion of theirs, Ashcroft, were sons-in-law of hers; and he beckoned Fairclough, and gave him 5 s. to take to his aunt. That is the case, and Heyes stated, upon cross-examination, that he did not know anything of that money being intended for the aunt. I do not believe him, and I will state why I do not. The two witnesses, Ashcroft and Fairclough, were in company with him, together with another man; and it appears that they four, including Heyes, made up the 2 s. which had been spent out of the 5 s., and gave it to the woman on the following Saturday. That was proved by two witnesses; and, in my belief, that man wilfully kept back that fact, so as to give a colour to the transaction, as if it were a case of bribery. Then, as to the case of Unsworth, it is a question between the witness and Mr. Smethurst. It was stated that the witness was bribed by Smethurst with 2 s. 6 d. to vote. Mr. Smethurst has sworn that that is a false account of the transaction, and that the real transaction was this: Unsworth

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came to him, and asked him to give him some small sum that he had been in the habit of giving to men who had done a job for him, and stated that he had done a job in the month of February, for which he had not been paid. Smethurst thereupon gave him 2s. 6d.; he went to the Liberal Association; he had no change, and he got it there; and then he gave it to him publicly. I cannot think that, if Smethurst meant to bribe that man, he would have gone into the Liberal Association office to get a sovereign changed, and then openly give 2s. 6d. to the man. I believe Smethurst's evidence, and I do not believe Unsworth's. The next case is Abbott; that case was very properly abandoned by Mr. Giffard.

The next case is that of a man named Jolley; but that case, in my opinion, has been answered by Lund, the supposed briber.

The next case is the Finches; Mr. Giffard very properly argued that when a judge has to determine (which I am very sorry judges have to determine) what evidence they will believe when witnesses swear contrary to each other, that he must take all the circumstances into his consideration. Of all the witnesses who are produced in a court of law, those two men, the Finches, are just the kind of men who are the most unreliable; they are discarded servants. I have been now nearly 40 years in practice in advocating and trying causes; and the witnesses of all others whom juries less rely upon are discarded servants, especially discarded servants who come to give evidence, not of an act done, but of a conversation. Their case was that Cole said to them, "Will a pound or two be of any use to you?" Cole swears that it is a fabrication from beginning to end. If I had to decide which statement was the more to be relied upon, the circumstance that those two Finches were discarded servants would, as it seems to me, make the scale weigh in favour of Cole. I believe that Cole's evidence is true.

The next case is the breeches case, which I do not think it necessary to make any observation upon.

The next case is that of Thomas Finsley: it was alleged that William Bailey had told him that he would get him employment at 30s. or more a week, or, at all events, better employment than he then had. We have been discussing these cases of agency by canvassers, and agency by others, and I wish to say nothing disrespectful of Bailey, but when I saw him I did think that it would be an extraordinary thing if the act of a man like him could be held to affect the seats of the Members for Wigan, or any other place. I daresay he is a very respectable man; he is a porter, in the employment of the Lancashire and Yorkshire Railway Company, and I think if many agents or canvassers were such as William Bailey it would be a serious question whether the act of such a canvasser must of necessity affect the seat. I think the case altogether fails.

The next case is that of John Taylor: he was the young man who stated that Fillingham gave him employment; he was a man that wanted employment, and had not tools to work at his ordinary work, but was put by Fillingham to work as a labourer, it was said that he must have got this work because he was a voter, and that he had afterwards been turned off after his vote was given. With regard to that, Fillingham was called, and he swore that there was not a word of truth in it. That he gave him work because he wanted a man, and then turned him off because he wanted him no longer.

The next case is that of Tyson; I think that that is not a case within the Act. I said so at the time, and I adhere to the opinion. The 5th section of the Corrupt Practices Act, the 17th and 18th of Victoria, is in these terms:—"Every person who shall, by himself, or by any other person on his behalf, make use of any intimidation;" and in my judgment it must be an act done by the person himself, or by some person on his behalf. It was an act of passion, and it may be, if Tyson's account is true, that it was not justified on the occasion; I think it cannot be considered an act done on behalf of the candidates; it was an act of his own, for which they are not responsible.

The only remaining case is that of Edward Davenport, who was said by Mr. Wright to be the greatest scamp in Wigan; he was not a voter, but he had a father-in-law who was, who has since died in such a state of poverty that he has been buried by subscription, and upon this particular day he was met by Wright taking the old man up to the poll, and at the time some observation was made with respect to his vote. After that he gave him 6d. or 1s., and that must be proved to have been a corrupt payment, for an act done after the voting must be done corruptly, and there is no evidence of its having been done corruptly. But then it appears that he also gave 3s. the following morning to the old man. Wright has two shops, and there is a yard communicating between the two; the old man's house was in the yard; he was in a state of the most wretched poverty, and afterwards died. He gave the old man 3s. as, he says, an act of charity, and I think that to convert that into an act of bribery, would be going beyond what is reasonable. It appeared that he had frequently given Davenport money; the man obtained his living by hawking oysters; he had not money to buy them, and he got money given to him for the purpose. Upon the evidence of such a witness I should find no man guilty.

I believe that I have now gone through all the acts alleged to have been done, and the result is that I am of opinion that Mr. Woods and Mr. Lancaster were duly elected, and I shall so certify to the Speaker. The costs will follow the event. So far as the rates are concerned, it was an experiment, and that is a case in which the courts uniformly give costs. Upon the other grounds the Petition has signally failed, and therefore the costs ought to follow the event.

WINDSOR (NEW) ELECTION.

Windsor (New).

JUDGMENT delivered by Mr. Justice *Willes*, 15 January 1869.

Mr. Justice *Willes*.] I WISH to observe that Mr. O'Malley's statement makes it proper, especially as I have turned this case very much over in my mind during the night, I should restate, in order to prevent any misapprehension, the view which I take of the various cases which have been brought before me; and I will begin with those cases in which it appears to me that the evidence, as it now stands, assuming that no answer is given to it, is not such as I should be satisfied to act upon.

I will then refer to those cases which it occurred to me required explanation; cases upon which, if I were investigating the matter in a private room, I should ask either the Member or the candidate if they happened to be present, "What say you to this?"

With respect to the first class of cases, it begins with the case of Wilkins, the fisherman. Upon that I have stated, and I remain of opinion, that there was no proof of Mr. Lysley's agency. That gentleman is a witness, not a party, and therefore I shall make no observation upon the course which he took, beyond saying that it was unquestionably to the mind of any man of the world, an indiscreet one, considering the time when he ordered those nets; but his agency for Mr. Eykyn was not proved, and to my mind was disproved. With respect to Cavill's case, he voted for Colonel Gardner; and it appears to me that no proof has been given of Robert Herbert's agency, Robert Herbert being the person who was stated to have influenced him.

With respect to Hall's case, apart from the contradiction between Hall and Bishop, I think that there was no evidence upon which I could act of Bishop's agency. I have already stated that, in my mind, authority to canvass (I purposely use the word "authority," and not "employment," because I mean it to apply to persons authorised to canvass, whether paid or not paid for their canvassing) would constitute an agency. Authority for the general management of the election would involve authority to canvass. Therefore I need not say anything further as to that; and inasmuch as it is possible that my mind has not travelled over all the possible combinations of fact in which agency may exist, I do not say that there may not be cases of agency to bind the Member, besides those of authority to canvass, and authority for the general management of the election. As an instance of the sort of case which one might have to deal with, I may refer to an agent for election expenses, for instance. I do not say what other cases there may be; it would not be profitable upon this occasion to do so; but I think that a mere messenger cannot be considered as an agent. Apart from the contradiction between Hall and Bishop, the impression remains upon my mind that the agency of Bishop was not proved so as to defeat the election. There must be no mistake—indeed, after what has taken place, there can hardly be any mistake—as to what distinction exists between defeating the vote and defeating the election. Bribery by anybody would defeat the vote, but it must be either general bribery, or bribery by an agent, or by the candidate, to defeat the election.

Then as to Eden's case, to take that as a specimen of Mason's tenants' houses. Mason and Eden were called, and I retain my impression that there was no proof of any undue influence. There was proof of agency. Mason was an active member of the Committee, and was active in getting up the election. Probably being a member of the Committee only might not suffice, but he was more, he was an agent; but there is no proof, in my mind, of undue influence.

With respect to the colourable employment of voters at the county election, voters were employed at the county election by Mr. Darvill. Both in respect of colourable employment to influence their votes at the borough election, and in respect of agency, that case was so weak that I think I must consider it to have been abandoned on the part of the Petitioner at the time, and it left no impression upon my mind.

Mr. *O'Malley*.] Just so, my Lord.

Mr. Justice *Willes*.] I then come to the cases of treating. There is a case of treating with respect to a person of the name, I think, of Daniel Dobson, a lamplighter. I make no remark upon the circumstances. I think that the only general remark which one could make is, that assuming that that case stood unexplained, it would raise a question rather of taste than of treating electors. It was spoken to by witnesses who, I dare say, gave very honest evidence, but who certainly had very little opportunity of observing closely what passed; and Daniel Dobson, who, if I mistake not, voted in the end for Colonel Gardner, was not called. The absence of Daniel Dobson, under those circumstances, really makes an end of the lamplighter's case. I think that it rests where it began, in a question of taste, which is not for me.

Then I come to the Foresters' case; that, I think, failed altogether. It was not proved that Mr. Eykyn ordered any drink for the Foresters.

Mr. *O'Malley*.] It was with respect to the Odd Fellows that I intended to make the observation which I made to your Lordship, and not the Foresters.

Mr. Justice *Willes*.] You said the Odd Fellows; you were quite accurate, Mr. O'Malley, but I am going through the cases. This is not the case of an ordinary cause

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at *Nisi Prius*, where I could accept the withdrawal of the counsel for the Petitioner, without satisfying my own mind as to the circumstances which were brought before it in evidence. I say, with respect to the Forresters, that the evidence failed altogether to establish that any drink was ordered by Mr. Eykyn, and that is out of the case. Those cases are altogether removed. There were two other cases of treating mentioned: one was the treating with a gallon of beer in Russell-street, and the other was the treating of the Odd Fellows. I will take those cases, although not quite in order, so as to complete what I have to say on the question of treating; in both cases, according to the evidence as it at present stands, Mr. Eykyn was present; on both occasions voters were present. I think voters of both colours; I think that I am right in that, Mr. O'Malley, that voters of both colours were present on both occasions.

Mr. O'Malley.] No doubt, my Lord.

Mr. Justice Willes.] These cases seem to stand very much upon the same footing. The case in Russell-street upon the evidence is not so distinct as the case of the Odd Fellows, because the amount of drink ordered in Russell-street was small, and the order is stated to have been given by a black-whiskered man, whose precise relation to Mr. Eykyn, or to the election, has not been established. I will take the case of the Odd Fellows, therefore, as my text. In the case of the Odd Fellows the evidence is that, Mr. Eykyn was present, and was in the chair; and, if the evidence of the landlord is to be acted upon, Mr. Eykyn gave an order for wine to be put upon the table, and in pursuance of that, a large quantity of champagne and other luxuries, amounting to some 27 *l.*, was put upon the table, and charged to Mr. Eykyn. Mr. Mason, if I recollect rightly, was one of the supporters of Mr. Eykyn, and came to be initiated, but changed his mind in the course of the evening's proceedings; and there was a third person, I think a Mr. Jones, who was in the vice-chair, and who, if I recollect rightly, was also one of Mr. Eykyn's supporters. In that case there were, I think, some 95 persons present, 25 of whom, or thereabouts, were strangers, and there were some 70 tradesmen and artizans of the borough, who were, or most of whom were, voters. There was a mixed company. The Odd Fellows do not appear to have been a political society. As I understand the constitution of those societies, it is of a benevolent character; and party politics as a rule are, I believe, excluded. It is not shown to have been a political society.

Mr. O'Malley.] I understand, my Lord, on inquiry, that the rules of the society exclude politics.

Mr. Justice Willes.] As a rule they do. As a general thing you find upon the books of those benevolent societies a rule excluding politics. It was not a political society, and the sting of that case to my mind was in the meeting having taken place upon the 25th of August, more than three weeks after the Act of Parliament under which we are at present assembled, was passed, and within a fortnight or three weeks of the actual canvass being commenced. I must own that I am impressed with the objectionable character, to say the least of it, of an intended candidate ingratiating himself with the voters of the borough, whether upon his side or not, by such a profuse expenditure upon the score of luxuries. And I must express my opinion that that is a questionable proceeding, and that it would be well to be abstained from for the future, and the more so because even if a man of wealth could spend 27 *l.* in an evening upon drink for others, it seems like an exclusion of men in moderate circumstances from being candidates, if profuse expenditure of this kind is to be resorted to. I am quite aware of the distinction between treating and bribing; and I must bear that steadily in mind in dealing with cases of this description. The terms of the section applicable to treating which were referred to by Mr. James, are different from the terms of the section relating to bribery; and there is, as we know, an express enactment with respect to treating of voters, which forbids the giving of any refreshment to voters during the election, under a penalty, which seems to imply that all hospitality is not struck at by the enactment as to treating. If every man at that Odd Fellows' meeting, taking seventy of them, had got six-eighths of the price of the champagne which he drank, or might have drunk, what would be said of it? If there were not a distinction between bribery and treating, what must I have said of that?

However, this case is not altogether without precedent. I find that it has been under consideration, and I find that it has been considered by Committees, and a distinction has been drawn between societies not having a political object and societies which have; and I may refer to the decision in the Pontefract case, which is reported in Wolferstan and Dew, page 68, and upon this point at page 71, in which treating Odd Fellows, certainly to a much smaller extent than occurred, as alleged in the evidence, in the present case, was held not to amount to treating within the Act, the society not being a political society. And there is the further case of Maidstone, in the same volume, page 102, and upon this point at page 104, in which it appears to have been taken for granted, and no doubt correctly, that similar treating of a society having a political character, if made out, would have amounted to an offence within the Act of Parliament. I am not bound by the decisions of Parliamentary committees except upon points of practice which are not provided for by the rules of the judges; and this is not such a case; but I may properly refer to the decisions of Parliamentary Committees for my guidance. Upon that case of the Odd Fellows not having, for the reasons which I have mentioned, quite disabused my mind of its importance, I think it proper to follow the course which I observe was followed by Committees in similar cases, where a doubt rested on the mind of the Committee, although the case was withdrawn; and I shall ask Mr. James to

Windsor (New).

request Mr. Eykyn to give his account of that matter; he stated that Mr. Eykyn could give an account, varying from that given by the witness. It would be satisfactory to my mind to hear his explanation. That is the first of the cases; I pass over Russell-street, because I have already stated that, according to my mind, it falls within the same class, and I attach no importance to it, if no importance is to be attached to the Odd Fellows' case. The case of the Odd Fellows rather presses upon my mind.

There were two other cases to which it would be proper to refer; one was White's case, that did not make much impression upon my mind, but I suppose that it is proper that it should be met by some explanation from Mr. James Herbert, who was the authorised agent of Mr. Eykyn, that is the Painter's case. I think that it will be proper for Mr. James, for the satisfaction of my mind, to ask Mr. Herbert for some explanation of White's case, I think that he voted for Colonel Gardner.

Mr. O'Malley.] Yes, my Lord.

Mr. Justice Willes.] That to some extent diminishes the importance of White's case, but it would, I think, be more in accordance with the practice of Committees to ask Mr. Herbert to explain that. With respect to Wilson's case, the case of the payment of rates, I think that it would be proper to hear the explanation of Mr. Herbert, because, as it at present stands on Wilkin's statement, the registration was coming on, and was coming on under peculiar circumstances, because it was known that an election would speedily follow: he did not intend to pay his rates, and according to his account he had not the means of paying them, either by his own money, or by somebody else's, and he upon the suggestion of Mr. Herbert borrowed from Mr. Bedborough, who, as I understand, is a supporter of Mr. Eykyn, the sum of 2*l.* 10*s.*, out of which he paid his rates, which did not amount to that sum; that is the third case upon which I should like to hear the evidence of Mr. Herbert.

There only remains Smith's case, and upon that I should observe that I agree in what has been said, and what must be concurred in by everybody, that it was an act of indiscretion to have put a sovereign upon its way to a voter so shortly before an election. But taking the evidence of Mr. Carter, and looking at the letter of Mr. Carter, and the report of Mr. Roke, I am quite satisfied that the account given by Mr. Smith of the transaction is an accurate one. I am quite satisfied that the account given of the transaction by Wicks, in the letter which he wrote, or got written by his son, for Smith to Mr. Eykyn, after the election, is not an accurate one, and that that payment, however suspicious it must have appeared when it first came to Colonel Gardner's knowledge, and the knowledge of his advisers, has been explained as a payment which never was perfected. It was not accompanied by a promise, conditional on voting for Mr. Eykyn, and, in fact, it was an act done not corruptly, but for charity and God's sake, and therefore not a bribe.

Mr. James desires to have some time to consider what course he shall take.

Mr. James.] The shortest possible time, my Lord; perhaps your Lordship will give me fifteen minutes, and then I will call those witnesses whose evidence your Lordship wishes to hear.

After an interval,

Mr. James.] My Lord, I have to ask your Lordship's permission to call the witnesses whom you have mentioned, namely, Mr. Eykyn, Mr. Herbert, and Mr. Bedborough, before stating what course my clients take in the matter.

Mr. Justice Willes.] Do you propose to go on with the recriminatory case?

Mr. James.] I regret that, at this moment, I am not prepared to answer your Lordship's question. I wish those gentlemen who have been mentioned by your Lordship, to be called first, before giving your Lordship a final determination upon that point.

Mr. Justice Willes.] This is a little critical; one question which of course I should ask with a view to my Report to the Speaker, would be, whether in the event of your not going into your recriminatory case, the withdrawal of the claim for a scrutiny was the result of any compromise between the parties. That question, of course, I shall ask. I think that I ought to ask counsel whether they can assure me that that is not so.

Mr. O'Malley.] I can give your Lordship the most unqualified pledge, that there has been no communication whatever between the parties. It originated in the spontaneous motion of Colonel Gardner upon reading the "Times," this morning, before I was out of my room. While I was dressing, a note came in to me, as to the article in the "Times."

Mr. James.] It is needless for me to endorse Mr. O'Malley's statement. Upon my honour, there has been no communication of any sort between the parties.

Mr. O'Malley.] Not the smallest.

Mr. Justice Willes.] Then, I think that I may say, that if it will be of any assistance to you, Mr. James, in framing your course, that I should not consider it my duty to attempt what would properly devolve on a Commission of Inquiry, if issued in pursuance of the Petition, which I understand has been presented to the House of Commons—I consider that my duties are judicial and not inquisitorial, except in so far as it would be proper that I should follow up any clue which the evidence laid before me by the parties on the one side or the other presented. I do not think that it was the intention of the Act of Parliament to convert the judge into a magistrate to institute a preliminary inquiry, and I am the more satisfied of that because of the express provision with reference to issuing a Commission of an entirely different character from that under which I sit, in case it should become necessary to inquire into the existence of corrupt practices generally. It is only where

where a clue to the existence of such corrupt practices is presented by the evidence, properly and formally laid before me, that I should think it necessary, as at present advised, to send for parties and papers, with a view to investigating a subject which at present I consider out of my jurisdiction. Windsor (New).

On the application of the Counsel for Sitting Member three Witnesses were examined, viz., Roger Eykyn, Esq., M. P., Mr. James Herbert, and Mr. John Bedborough.

Mr. Justice *Willes*.] I hope that the inhabitants of Windsor will continue in the same good humour and will display the good conduct which they have exhibited during these proceedings. I may also say that I am exceedingly obliged to the learned counsel on both sides for the great assistance which they have given me in the case, and I only hope that I shall have equally valuable assistance in the case of other Election Petitions with which I may have to deal in the course of this election circuit. I have written down the result, and I believe that it is proper, looking to the terms of the 11th section, if not necessary, that I should announce in court in the form of a judgment what I propose to certify to the Speaker of the House of Commons. I am very anxious, of course, to treat that great officer with the utmost respect, and I feel a little diffidence as to whether the section intended that a judgment should be pronounced in form, or that simply a certificate should go to the Speaker, so that the Speaker should be the first person to know officially what was the decision of the judge. But upon reading the section I incline to think that it is incumbent upon the judge to announce at the time in public in the form of an ordinary judgment what his opinion is. The 13th clause of the 11th section is that "At the conclusion of the trial the judge who tried the Petition shall determine whether the Member whose return or election is complained of, or any and what other person, was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Speaker, and upon such certificate being given such determination shall be final to all intents and purposes." Then the 14th clause requires that "Where any charge is made in an Election Petition of any corrupt practice having been committed at the election to which the Petition refers, the judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker as follows: (a) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election and the nature of such corrupt practice. (b) The names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice. (c) Whether corrupt practices have extensively prevailed at the election to which the Petition relates." I conceive that it is at all events proper, in order to avoid questions, and perhaps necessary, to announce the decision under clause 13.

Mr. *O'Malley*.] Would your Lordship allow me to say that I think that as far as disrespect to the Speaker is concerned, there can be none at all in that course, because, if your Lordship will refer to the law under which the old Election Committees sat, you will find that the form of words with respect to certifying to the House of Commons or reporting to the House of Commons was pretty nearly in the same way as this certifying to the Speaker is now substituted for a report to the House of Commons, and in those cases the invariable practice was that after the Committee had come to their resolutions, they read out the resolutions to the parties assembled.

Mr. Justice *Willes*.] That was so.

Mr. *O'Malley*.] And that will be the safer course.

Mr. Justice *Willes*.] If it is not necessary, at all events it will be the safer course to take, and therefore I shall proceed to read what certificate I intend to notify. I wrote this out subject to the condition that no recriminatory case was gone into. None has been gone into, and therefore I may announce what it is at once. I determine as follows: First, that the Member whose return is complained by the Petition was duly elected and returned to serve in Parliament as Member for the borough of New Windsor; secondly, that no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at such election; thirdly, that upon the evidence before me, it does not appear that corrupt practices have, and there is upon such evidence no reason to believe that they have, extensively prevailed at the election to which the Petition relates; fourthly, at the close of the case for the Petitioner, and after the address of the learned counsel for the Respondent in answer thereto, the learned counsel for the Petitioner stated in effect that his client felt that the case was not made out as he anticipated it would have been, and that he did not desire to proceed to a scrutiny; fifthly, thereupon, and upon the examination of the Respondent and two of his agents, I was satisfied that this course was not the result of any compromise, and I did not require the learned counsel for the Respondent to proceed with any case of recrimination, nor did I consider it my duty to institute a general inquiry into the proceedings at the election. And I shall certify to the Speaker accordingly. With respect to costs, inasmuch as I conceive that the intention of the statute was to put the question of costs substantially on the same footing as in an ordinary action, and that as a general rule costs ought to be paid by the unsuccessful party, although I am of opinion that the Petition was neither frivolous nor vexatious, yet as it has failed, and there are no special circumstances to displace the general rule, I must order that the Petitioner pay the costs of the Respondent. (Loud applause.)

Mr. Justice *Willes*.] This ought not to be. If the inhabitants of this country wish to

Windsor (New). be governed through the judges, they really must not indulge in applause when they like what the judge does, because otherwise they will necessarily indulge in groaning and disapprobation when they do not like what the judge does, and we judges, if not terrified, may be very much annoyed. I hope that this will not occur again.

After an interval,

Mr. Justice *Willes*.] I understand that one of the witnesses desires to have a certificate that he gave evidence upon this occasion, with a view to prevent criminal proceedings; I shall give such a certificate to any witness who makes application.

ELECTION PETITIONS.

COPY of the SHORTHAND WRITERS' NOTES of
the JUDGMENTS delivered by the JUDGES
selected in pursuance of "The PARLIA-
MENTARY ELECTIONS ACT, 1868," for the
TRIAL of ELECTION PETITIONS.

V/

(*Mr. Attorney General.*)

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2 April 1869.

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JUDGES selected in pursuance of ‘The PARLIAMENTARY ELECTIONS ACT, 1868,’
for the TRIAL of ELECTION PETITIONS.”

PART II.

	PAGE		PAGE
Belfast - - - - -	214	Manchester - - - - -	260
Bewdley (No. 2) - - - - -	217	Norfolk (Northern Division) - - - - -	269
Brecknock Borough - - - - -	219	Northallerton - - - - -	283
Carrickfergus - - - - -	219	Sarum, New - - - - -	286
Cashel - - - - -	223	Southampton Town - - - - -	289
Drogheda - - - - -	320	Stafford Borough - - - - -	295
Galway Town - - - - -	332	Taunton - - - - -	352
Hastings - - - - -	235	York, West Riding (Southern Division) - - - - -	303
Limerick City - - - - -	243	Youghal - - - - -	304
Londonderry City - - - - -	249		

And, COPY of CERTIFICATES and REPORTS received from the JUDGES selected for the
TRIAL of ELECTION PETITIONS, pursuant to “The Parliamentary Elections Act,
1868,” and of PROCEEDINGS in the Case of a Double Return.

Also, RETURN to an Order of the Honourable The House of Commons,
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at *Westminster*, or to the COURT of COMMON PLEAS at *Dublin*, or to the INNER
HOUSE of the COURT of SESSION in *Scotland*, with the Names of the Petitioners
and Respondents; specifying whether the Elections have been declared Valid or
Void, or whether the Petitions have been Withdrawn, or Filed but no Security given,
and also whether in any Case further Proceedings have been ordered to be stayed.”

Journal Office, }
June 1869. }

J. L. POSTLETHWAITE,
Clerk of the Journals.

(*Mr. Attorney General.*)

*Ordered, by The House of Commons, to be Printed,
3 May and 10 June 1869.*

COPY of the SHORTHAND WRITERS' NOTES of the JUDGMENTS delivered by the JUDGES selected in pursuance of "The PARLIAMENTARY ELECTIONS ACT, 1868," for the TRIAL of ELECTION PETITIONS.

BELFAST ELECTION.

Belfast.

JUDGMENT delivered by Mr. Baron *Fitzgerald*, 30 January 1869.

Mr. Baron *Fitzgerald*.] I HAVE considered this case, with certainly great hesitation upon one part of it, but I have come to my determination.

There are points in the case upon which I shall touch very lightly indeed.

There were very important charges of bribery which should not have been made against Mr. M'Clure, with respect to the direct act by himself, and the direct act by his conducting agent.

The act as to himself was the act deposed to by a man named Spence. Spence stated that having been on one occasion previous to the election applied to by Mr. M'Clure for his vote, and having given a doubtful answer to the request that he should vote for him, on the day before the polling he again was called upon by Mr. M'Clure, accompanied by another gentleman. He states that he was then again canvassed; and that the answer which he gave was that he had not made up his mind. Then he says that what Mr. M'Clure did upon that being said, was to take out a purse or pocket-book, take a 5*l.* note from it, and give it into his hand, and then again ask him for his vote. If that were a true story, a clearer, a plainer, and I may add a more mad act of bribery never could have been committed by man than was committed by Mr. M'Clure. Mr. M'Clure has however denied that fact upon his oath. He has said that he never spoke with the man at all; that he had no interview with him upon that occasion, and he positively swears that he never gave him money or anything of the kind. The man, upon his cross-examination, stated that he had kept this money for a day; and that after having kept it for a day, he changed it in a public-house in this town, which he named; he named a boy in it who had given him change for it, and specified the mode in which he got the change; 3*l.* in silver, the other two in notes. He added that he gave 4*l.* to his wife, and spent the rest. Not only has his evidence been denied on oath by Mr. M'Clure as to the act, not only is it a story improbable in itself, and the act one which if done would argue almost madness upon the part of Mr. M'Clure towards a person whom it does not appear he had ever seen or known before; but the boy has been produced, and he has proved that upon that day the shop was actually shut up; that he knows the person of the man, and that he positively did not upon that or any other occasion give him change in that mode. I have no resort under those circumstances but to believe the evidence of Mr. M'Clure, and disbelieve the evidence of the man. I should have a further duty, if I could perform it, and for that purpose I was anxious to have the case investigated to the utmost that I could; but I cannot convict the man of perjury, though I must decide between the swearing of the two, which swears true, and which swears false. I might have a duty, which however I cannot exercise for the power of mere effect alone, of directing the prosecution of that man for perjury. If I could I would. It might even by giving a direction, produce an effect upon this country, and upon the people who hear me; but on the other hand I cannot do anything, sitting here, for the purpose of mere effect only, and I ought not to direct that prosecution, unless I am reasonably satisfied that there could be a conviction upon it. I cannot see how there could be in this case with the information that I have, or, so far as I see, can have the means of obtaining. In order to convict a man of perjury, there must be the oath of two persons against his oath, or there must be circumstances imperatively leading to a conclusion in confirmation of it. I cannot see where the oath of a second person could be got in this case, and though it be true that there is a confirmatory circumstance from the fact, that he did not get the note changed, that can only be come at by proving another perjury on his part by the oath of one witness only. I ought not to direct a prosecution in a case, unless I was satisfied there was reasonable probability of conviction in it, because a worse effect might be produced in the end, whatever might be the present one. Therefore, with deep regret that I am not in a position to order a prosecution, I pass from this

this case. Seeing that I cannot put this man upon his trial, and that he has been abandoned by those who called him, I am bound to disbelieve his story, and to believe the story upon the other side, and therefore that case fails.

The next case was the case of James Hutchinson. He swears also to an improbable story, one, perhaps, in some respects, still more improbable than as regards Mr. M'Clure; for that a man in the position of the conducting agent Brett should commit two offences in the same words, that is, tell a man, a paid canvasser, to plump for a party, and also offer him a bribe for the plumping of his vote, is a thing almost incredible in itself. But in the case of these Hutchinsons, I confess, though the evidence was given so as to appear to me that they are not, in many respects, faithworthy witnesses, I am not inclined to take precisely and exactly the same view of their case as I did the case of Spence. I am not perfectly satisfied that there may not have been some interview, and that relating to canvassing, with Mr. Brett, which Mr. Brett has forgotten. He saw these men hanging about. They appear to have been employed by him upon some previous occasion, though Garrett seems to recollect that they were rejected, and it is possible that a conversation of some kind may have taken place between them and Brett, and something or another might have been said which may have been tortured into this. I am bound to believe Mr. Brett's oath that nothing of the sort was ever said; and this case therefore fails also.

The next case is one of a class to which I confess I have been unable from the beginning of this case to give any weight at all, that is the subscription to the Orange Hall. I really confess, having listened with the greatest attention to the arguments on both sides, that I cannot see what effect it has at all in the shape of bribery. I am not here to try whether it was consistent upon the part of Mr. M'Clure to give support to an Orange Hall. I am not here to try whether it was done in perfect sincerity; that is a question with which I have nothing to do; but of this I am sure, that the profession by a candidate of holding certain opinions is a legitimate mode of influencing votes. If it were not, they would have no means in millions of cases of influencing votes at all; and if (for I am not going to try whether it was consistently or sincerely done) Mr. M'Clure thought that it would be for his benefit with reference to the election, and for procuring votes, to inform Orangemen and others that he did entertain opinions in favour of institutions of this kind, I can see nothing illegitimate in that. The case appears to me identically the same as if he had written a pamphlet in support of, or sustaining such institutions as Orange Halls, and had paid the printer for publishing it. I am not upon the question whether it was consistent upon the part of Mr. M'Clure to do it, or whether it was not. If by subscriptions of that kind he thought proper to indicate that his opinions were favourable to institutions of this kind, I have no right to try his consistency or sincerity, but it was perfectly legitimate for him to put forward his opinions as a means of procuring votes.

I now come to the part of the case upon which difficulty really exists, and I quite agree both with Mr. Falkiner and Mr. Kisbey that I am so to endeavour to construe this Act as to repress the mischief which the Act was intended (and, I presume, sincerely) to guard against. I am bound to do that, and for that purpose I am, so far as such common sense and such knowledge of the world as I possess, enable me to do so, to strip of every colour, of every dress, of every shape, any act which is brought before me, so as to discover what the true and real nature of the act is; and if, having so done, if, having stripped it of its colouring, taken off its dress, or varnish, or whatever may be about it, I find that in its true nature, the act is one of the corrupt practices defined by the statute, I am bound, notwithstanding what shape, notwithstanding what colour, notwithstanding any dress it may have, to give effect to the Act of Parliament. But I have not the power under the Act of Parliament to change the nature of the act itself (that I have no power to do) because the act proved may be clearly shown to me by most reasonable evidence to be fraught or attended with all the pernicious consequences which the Act was intended to guard against. I have no power, notwithstanding, to repress the act, unless the act be in its nature one of the corrupt practices specified, and I cannot make it so by reason of its being attended by circumstances which the Act of Parliament was intended to guard against. It appears to me that it is an application of real subtlety, when one endeavours, by reason of the mischief which follows, to alter the nature of the act itself for the purpose of repressing the mischief. That is what I cannot do.

Well now, the transaction, so far as it is necessary for me to state it, is one about which, until we come to the motives of it, there is in reality little or no controversy. It appears that early in the canvassing for Mr. M'Clure, Mr. Duffin, and certain other gentlemen who were his friends and supporters, did hold out an assurance to the friends of Mr. Johnston that a public subscription, instituted for the purpose of defraying the expenses of his election, would be contributed to by them, to the extent of at least 300 *l.*, according to Mr. Duffin's evidence. Mr. Johnston, as it appears he stated to one of the witnesses in this case, Mr. Dysert (and it seems to be agreed by other witnesses that it was so publicly stated), had not the money or the means, or did not think he had the money or the means, or did not wish to apply such money or means as he had to the expenses of his election, and he declined altogether to stand at his own expense; but, as he told Mr. Dysert, he was perfectly willing to be of service to his friends and supporters provided they returned him. Now, so far as I can judge, I have no reason for believing that a subscription instituted for that purpose, that is to pay the expenses of a candidate, and relieve him from any expense in the matter, is in any way an illegal or unconstitutional

Belfast.

proceeding. It would behove the candidate to look well that the money of which he availed himself of his own knowledge, is legitimately applied, because he incurs a responsibility the moment he holds himself out as a person to be elected by those means. But that a public subscription raised for that purpose, and contributed by his friends and supporters is itself illegal, I am not aware.

Now it was perfectly competent to the supporters of Mr. M'Clure, if they thought fit to be (for I am not to judge of the sincerity of their votes) in the interest of Mr. Johnston, if they could conscientiously support him, it was as competent to them as to any other persons in the community to contribute to this fund. Therefore there is nothing illegal in that, even though the fact be that they would not have contributed to the fund unless Mr. M'Clure had happened to be a candidate. I do not think it was made less legitimate by that.

That being so, it appears that the subscription went on very slowly up to the election; as far as I can gather there was little more than 300*l.* collected altogether by both parties, and complaints were made that the promises given by those friends of Mr. M'Clure who had engaged to give this subscription, were not carried out. Accordingly, they proposed to do this—and I should imagine it must have been in some respect, at least, with the object of *bonâ fide* seeing that the money was rightly applied, and placed under the control of parties who would rightly administer it—they proposed to give a guarantee of responsibility for the payment of 500*l.* to the treasurer and three other members of the association, who were also members of Mr. Johnston's election committee. They proposed to give that so that the money should not be forthcoming until the time came for arranging the election expenses. That guarantee was carried by the person to whom it was given by Mr. Brett, the conducting agent of Mr. M'Clure, to Mr. Kelly, the conducting agent for Mr. Johnston, the man being, in the first instance, satisfied with it according to the evidence.

Mr. Kelly objected to it. The ground of his objection, so far as I can gather, was that money would be more serviceable for the purpose; and it is very probable the difficulty may have occurred to him, without doubting the honour or credit of these gentlemen, that it was not a document that could be legally enforced on account of its form. Accordingly, he desires the men to take it back and return it, telling them, at the same time, that it would be better to have the money. But he then appears to have become apprehensive that the money might be paid into the hands of some of these parties, so as to be out of his control in the expenditure, and yet be paid with his knowledge; he was naturally, reasonably, and, I think, properly, afraid that the interests of his own client, Mr. Johnston, the candidate, might be affected by its being entrusted into the hands of these parties; and accordingly (and this is a part of the case that, I acknowledge, has pressed upon me throughout) he writes to Mr. Brett and waits upon Mr. Brett, also nearly contemporaneously, and warns him against making this payment. He offers himself to be responsible for the money; he would be satisfied with its being paid to Clarke, the regular treasurer of it; and Clarke and he appear to have been in communication upon it. But he positively warns him, and I think the fair inference from his evidence is that he must have been afraid that it would not be legitimately applied for the purposes of Mr. Johnston's election. In the face of that, the course adopted, upon the suggestion of the man, so far as I could see, and, so far as I understand Shannon's evidence, was, that 300*l.* of the 500*l.* should be paid in the mode in which Kelly required, and the remaining 200*l.* given to four of these active persons. Mr. Kisbey says—though it does not appear to me to be very material upon this part of the case—that they did not appear to be exactly the four named in the guarantee. Clarke was not one of the four to whom it was to be given, and instead of Clarke a man named McGladdery was one of the four to whom it was given, but his name is not in the guarantee.

According to Shannon, the ambassador of these men to Brett, the 200*l.* is given by Duffin. Duffin says his difficulty was this: he was under an honourable engagement, to secure a contribution to the sum to be raised for defraying the expenses of Mr. Johnston's election. He says, there seem to be disputes among themselves what should be paid. He says, "I could not tell what to pay." And under those circumstances 300*l.* of it was paid as one party desired, and the remaining 200*l.* to the rest.

Well, now I confess the strong inference to my mind would be that, even supposing the real intention of the gentleman who paid this money was to secure the return of Mr. Johnston, there would be strong ground for holding that money so paid to these parties, under such warning especially, would be a corrupt practice so far as the election of Johnston was concerned. If money paid to secure the return of a party means anything, it appears to me that money so paid, with almost the assurance and the certainty that it will not be regularly applied, is a corrupt practice, and if it be not a corrupt practice, I find it difficult to say what the first clause and the fifth clause of that section mean.

Then comes its serious bearing upon this part of the case. If I find gentlemen and men of business so acting, with a species of disregard as to the mode in which the money is applied, does it not afford something in the shape of strong evidence that (interested as they were for M'Clure, and the probable inference from what they did being that this money never would have been subscribed at all unless M'Clure had been a candidate) the real object of the money so handed over was something different, and that it was intended by its influence as money to procure the support of these men for M'Clure? That is the difficulty that has pressed upon my mind throughout this case; I put it as strongly as I can, but not more strongly than it has pressed upon my own mind.

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Belfast.

On the other hand, if I could be fully satisfied that this money had been paid legitimately as a subscription to the fund, and that the real hope as to the mode in which it would affect Mr. M'Clure's election was by the impression produced upon the supporters of Johnston, and the community of feeling and desire to aid upon the part of M'Clure, it appears to me that the payment would be a legitimate one, and if the money was paid legitimately there would be no reason to complain of it.

Supposing I were satisfied that however corrupt the practice was as regards Mr. Johnston's election, the only effect it could produce upon Mr. M'Clure's election would be an identical one, and that that was the effect contemplated, can I make it a corrupt practice as to the election of Mr. M'Clure? It does not appear to me that the Act has said so.

The true way to try it is, supposing that state of facts to be clear, that is, that it was so clearly a corrupt practice to secure the election of Johnston that an indictment could be maintained against these parties for corrupt practice in order to procure the return of Johnston, and it further appeared that these parties entertained a hope or expectation that the effect produced upon the minds of the supporters of Johnston would be a community of opinion and aid from them in favour of the election of Mr. M'Clure, and that they would give their votes just in the same way as they would if the money had been directly so applied; can I say that an indictment could be sustained against them in the alternative in order to procure the election of Mr. M'Clure? If I cannot, then I say it comes to this, that it is a case not provided for by the Act of Parliament, though open to mischief, but I have no power to change the nature of the act itself, because it would have been followed by the same mischief, and to make it an act of the same nature as that which would be corrupt under the Act of Parliament.

The real difficulty that has been upon my mind is whether I must not regard this as a mere colourable proceeding, considering the mode in which it was done by men of business, by men well acquainted, several of them, with electioneering practices and contrivances of various kinds—whether I am not to treat this as a colourable act really done to influence the election, as distinct from the contrivance of which I have spoken, and which might operate in favour of the election of M'Clure. I acknowledge that there appear to me to be strong grounds for treating it in that way, and that has pressed heavily upon my mind throughout. But in order to do that I must act against the sworn testimony of men of respectability and character. I need hardly say that I pay very little or no regard to a gentleman who gets upon the table and says, with indignation, I never committed an act of bribery in my life, because I do not know what is the meaning of it, unless I know that the gentleman puts the same meaning upon the word "bribery" as I do. Trace this throughout, up to the moment at which the separation took place into two sums, and I am unable to see anything that can be treated as a corrupt practice to secure the election of Mr. M'Clure. Well, then, am I to distrust these gentlemen as to the instructions given, however loose they were, that this was not intended to impose any obligation whatever upon the parties to whom it was given that it was to be for the election of Johnston; that it was given in regard to the original promise, and so forth; and the positive oath of these men that they did it for no other purpose? It is a strong thing for me to do that. If I were to act merely upon the probabilities of the case alone, I acknowledge my conclusion would have been different, although even then there are circumstances insisted upon by Mr. Andrews as to the original innocence of this transaction, and the peculiar circumstances under which the alteration took place.

I cannot, in the face of that sworn testimony, whatever doubt I have; and I am obliged to put it under the same class of cases as the money given by Mr. Dysert.

With reference to the case of treating, I really shall not dwell upon that. It seems to me that the purpose mentioned in the Act of Parliament has not been proved in either of the cases which have been spoken to in evidence, and they appear to me to have been merely introduced for the purpose of filling up the case.

Therefore I have come to the conclusion to declare Mr. M'Clure duly elected, and, of course, I must say that he is not cognisant that any corrupt practice was resorted to at this election. And the costs must follow in the ordinary course.

BEWDLEY ELECTION.—(No. 2.)

JUDGMENT delivered by Mr. Justice Blackburn, 29 April 1869.

Mr. Justice Blackburn.] I MUST take this case as a mixed question of law and fact, in order to see what the jurisdiction is. First of all, the Act of Parliament originally establishing the register of voters, and requiring the revision before the barrister, made the register conclusive at the time of the election; the returning officer must go by the registration, and the registration alone, at the time of the election; but there were some doubts as to the extent to which an Election Committee of the House of Commons might think

Bewdley.
(No. 2.)

Bewdley.
(No. 2.)

that they should look into it; it was, no doubt, part of the scheme of the revision that points of law might be reserved for the Court of Common Pleas; and the decision of the Court of Common Pleas upon those points of law was made final. Questions of fact there was no appeal upon at all unless it was to an election committee.

Then the Act of the 6 & 7 Vict., c. 18, s. 98 (which is the one now in force) after reciting the doubts, says that "It shall and may be lawful for any such Committee" (and now the election judges stand in the place of the Committee) "to inquire into and decide upon the right to vote of any person who, being upon the register of voters in force at the time of such election, shall have voted in such election, or not being upon such register, shall have tendered his vote at such election, in case the name of such person shall have been specially retained upon such register, or inserted therein, or expunged, or omitted therefrom by the express decision of the revising barrister who shall have revised the list of voters from which such register shall have been formed; and also that it shall and may be lawful for such committee to inquire into and decide upon the right to vote of any person who, being upon such register, shall have voted in such election, so far as the same may be disputed on the ground of legal incapacity at the time of his voting under and by virtue of any statute now or hereafter to be in force, or on the ground of any legal incapacity at the time of his voting which may have arisen subsequently to the expiration of the time allowed for making out the list of voters from which the register of voters in force at the time of such election shall have been formed. There were some other provisions relating to other matters.

Now I consider the effect of that to be, that inasmuch as on matters of law there was an appeal to the Court of Common Pleas, yet upon matters of fact the decision of the revising barrister would be final, and it was not a matter that he could send to the Court of Common Pleas." Supposing, for example, the barrister had taken some peculiar view of the evidence, and had found that houses were of the value of 10 *l.* when most men would not have thought they were of the value of 5 *l.*, or had held that houses were of the value of 10 *l.* when most men thought they were of the value of 15 *l.*, such matters as that he could not have sent to the Court of Common Pleas; I think what the Legislature had in view was, that where a matter of fact has been fairly raised before the revising barrister, and the revising barrister has heard it, and come to an express decision upon it, then his decision may be reviewed by the election committee in order to see that injustice has not been done.

Now, in the present case, it comes with a rather peculiar sort of express decision; the first case coming before the revising barrister, the case of Chillingworth, being upon the overseer's list would have stood upon the overseer's list without any decision of the revising barrister at all, unless somebody properly objected to it. If anybody properly objected to it, then the revising barrister would have to hear the evidence upon both sides and to come to an express decision upon the merits. As was right and proper, it was first necessary to see that there was an objection, and that there was a notice of objection which was good, and consequently the revising barrister should have inquired into the merits of the case. The revising barrister after hearing and considering it came to a conclusion which I must treat as an erroneous conclusion, considering myself, as the superior authority, to be right and the revising barrister wrong; he decided that the notice of objection was bad when, in fact, it was good.

Then the first question is, is that retaining his name by "an express decision?" If the barrister had been right in saying that the notice of objection was bad, the name could not have been removed from the list at all; but when he, upon this preliminary point, decides that he will not enter into the merits at all, and erroneously decides so, when he ought to have entered into them, I think we must consider it as "an express decision" retaining the name, and consequently enabling me to enter into the merits. It would not follow from that, that Chillingworth's was a bad vote, and should have been struck off, but only that I have the jurisdiction to inquire whether it was a good vote or not.

Then after this had been decided, and after it had been stated that a great many names would depend upon this decision, and that the objections were the same, I find upon the facts before me (and I must take a view of the matter which is formed upon the facts), that in fact in each case where the form of the notice of objection was actually the same, the same objection to it would arise, the same infirmity, if it had been an infirmity, in the notice of objection. I come to the conclusion that the barrister having had his attention called to the fact that there were many such notices to the same purpose, it would have been neither respectful nor useful to attempt to argue against the decision he had already come to; and, consequently, the two advocates did say, There is no use contesting this further, and it will govern a good many cases. I come to the conclusion from the evidence that when the barrister was calling over the names, and when there was no objection made, he did not in fact know in which particular cases it was that no objection was brought forward, because there really was a notice of objection, but in the form of the one which he had already decided to be a nullity, and in which particular cases the objection was not brought forward, because there was really no objection at all, I think it is very probable that if I had the revising barrister here he would say he acted upon that assumption. Had the revising barrister been called, and had he given his evidence half-an-hour after this had happened, and had he been asked whether James Baker's name was one to which there had been really an objection, but which was not brought

brought forward because it was in this defective form, and whether it was an objection which for some other reason was not a good one and was not brought forward, I feel little doubt that the revising barrister would have said, "It is impossible for me to tell; I know if the objection was in the same form as the other, they agreed not to bring the objection forward because I had decided it before; but whether it applied to the particular case of James Baker or not I do not know; if it did, they were quite right in not bringing it forward." I have no doubt the revising barrister would have said so if his memory had been sufficient to have enabled him to do so.

Now, coming to that conclusion, I have to see whether or not his not entering into the merits of James Baker's case was in consequence of his express decision, that the notice of objection in Baker's case was no objection at all, or whether it was not so to be considered. Well, I have stated the facts and the conclusion I have come to upon them. Therefore, in this case, I can come to no other conclusion than that it amounts in point of law to just the same as if it had been stated over again to him, and it had been said, "Sir, in James Baker's case there is a notice of objection, and it is exactly the same as the other case, and I do not press it;" and the revising barrister had nodded his head and said, "Very well." Of course it would have saved some discussion and trouble now if it had then been specifically said, "Well, then, sir, since you have so decided, it may be important at some future election, and we will make a list of 30 or 40 names which your decision in this case will govern;" and the barrister had said, "Yes," it would have saved time and trouble in the inquiry now; and in any future case that arises it may be well to do so. But I think the substance and effect is exactly the same as if it had been so said. Taking that to be so, I must take the decision in Chillingworth's case to be a decision which applies to govern the subsequent cases in which the point was exactly the same.

What I now decide does not go further than this, that Baker's case is one which was in the overseer's list, into the merits of which the barrister by express decision refused to enter, and it is now open to the petitioner to enter into the merits of the case to show that the name ought to have been struck off by the revising barrister. If they make out their case, I will strike it out now; if not, I will retain it.

Bewdley.
(No. 2.)

BRECKNOCK BOROUGH ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 9th April 1869.

Brecknock
Borough.

Mr. Baron *Martin*.] It is needless that I should repeat what I have already said. It will be my duty to report to the Speaker that Mr. Gwyn was not duly elected. I shall further act upon his statement which I have just heard, and report that I have no reason to believe that he himself had anything to do with illegal practice: I shall further report that I have no reason to believe that illegal practices have existed to any extent in the borough.

The costs will follow the event.

CARRICKFERGUS ELECTION.

JUDGMENT delivered by Mr. Justice *O'Brien*, 26 January 1869.

Carrickfergus.

Mr. Justice *O'Brien*.] It is now my duty, at the close of this inquiry, to announce the decision to which I have come after a careful and anxious investigation of the evidence.

I think it well, in the first instance, to notice some matters connected with the general proceedings on this petition, namely, the allegations that certain witnesses were either spirited or kept away by the respondent, or those acting for him. The three that were named were William Hamilton, Mr. Dubordieu, and Mr. Borthwick. With respect to Hamilton, it is clear that, for some purpose or other, he left the town deliberately to avoid being examined here, but I see no ground for imputing to the respondent, or to any one

Carrickfergus.

acting for or authorised by him, any participation in Hamilton's departure; and indeed, from the evidence given by his wife and his son, who were examined, it appears to me that there was nothing in respect of which he could have given more evidence, if he had been examined. It is also to be observed that Mr. Dubordieu (another of the witnesses alleged to have been spirited away by the respondent or those acting for him) was himself a supporter of Mr. Torrens at the last election, and that on the very morning when Hamilton announced to his wife his intention of departing so abruptly, Dubordieu was with him, and that he and Dubordieu left his house together. With regard to Mr. Borthwick, I must say that I do not understand the allegation; he is a gentleman of position, a magistrate, a grand juror, and filled once the office of high sheriff of this place; he was also a supporter of Mr. Torrens. It is difficult to conceive that his absence could have been caused by any unwillingness or apprehension on his part as to giving evidence. It may be accounted for by the circumstance that he had no evidence to give beyond what has already transpired on this trial.

During the progress of this case, I felt myself bound, under the provisions of the Act which I have to carry out, to give every facility that I could to the production of witnesses. In some respects the petitioner came down here manifestly ignorant of the exact grounds upon which several of the charges in the petition were founded: I therefore thought it reasonable, upon a proper case being made, to allow petitioner, and those acting for him, to amend his Bill of Particulars, by adding such facts as recently came to their knowledge. In the early part of this trial an application was made to amend the Bill of Particulars, by stating that some tenants of Mr. Cornwall's, named in the affidavit of Mr. Boyle, the petitioner's attorney, had been "intimidated, or bribed, or treated." I considered the affidavit defective in many respects. It stated that Mr. Boyle was informed by Mr. Cornwall that he, Mr. Cornwall, was reliably informed that such tenants had been "either bribed, or intimidated, or treated." I considered the affidavit insufficient, having regard to settled rules of practice. Mr. Cornwall made no affidavit stating either the information he received, or his belief in it. I accordingly made "no rule," on that application. But I expressly stated, at the same time, that my not doing so should be without prejudice to any further application that might be made. No further application was made for that amendment, but Mr. Faulkner subsequently applied for an amendment of the Bill of Particulars, in other respects which I thought it right to comply with. As regards the summoning of so many witnesses, I can well understand the difficulty of petitioners getting information from the supporters of his opponents, and although the course adopted by the petitioner's counsel protracted this inquiry very much, I think it was a legitimate and proper course for them to take, namely, to summon witnesses who they thought would, when known, give information which they had not given before; and also to serve, during the trial, subpoenas on, and procure orders for compelling the attendance of any other witnesses whom, from the evidence given during the trial, they considered to be material. I mention this because much comment has been made on the number of witnesses who have been examined, and who proved nothing of any importance.

In the trial of these petitions, when the purity of the election is questioned, the most searching inquiry should be instituted, and it is the duty of the judge to afford every facility in his power to that investigation. I must, however observe, that during the progress of the case there was not (with the exception of William Hamilton, already mentioned) any difficulty in getting the production, almost immediately, of any witnesses who were required by petitioner's counsel.

With respect to the several grounds relied on for vitiating the election, I shall first refer to the charges of intimidation. The evidence on this point was that of Mr. Cornwall, Mr. Craig, and Mr. Wilson. That the assaults upon those two gentlemen, Mr. Cornwall and Mr. Wilson, were unjustifiable no one can doubt. A stronger word might well be applied to them, particularly to that upon Mr. Wilson, which appears to have been outrageous. Mr. Cornwall states that he was a member of Mr. Torrens's committee; that he voted for him about nine o'clock without any obstruction; that he remained near the booths for some time, and that about an hour afterwards, while he was standing near the booths, the following transaction occurred, which has been so much commented on by counsel. It appears that Erskine or Asken, a tenant of Mr. Cornwall, came up with three men about him; he had previously promised Mr. Cornwall to vote for Mr. Torrens, and had then a voting card in his hand, which he doubled up when he saw it was observed by Mr. Cornwall, and he then went into the booth to vote for Mr. Dalway. Mr. Cornwall went also into the booth because he saw what the man had done. Mr. Cornwall might have had no business in the booth, but I do not see why he was not at liberty to go in, although he had no business there. We all know, as a matter of experience, that the friends of both parties visit the booths. Mr. Cornwall remained there for some time, and on his coming out of the booth was assaulted in a very scandalous manner, pushed or jostled by the crowd, though not so as to injure him. It appears that after Mr. Cornwall left the booth his tenant voted for Mr. Dalway. Mr. Wilson was assaulted twice; once in the street near the booth, about half-past 10 or 11 o'clock, after he had been some two or three hours there, and afterwards in a still more violent manner, when he received the injuries from which he has suffered so much. These assaults cannot be justified or extenuated on the ground, either that Mr. Cornwall might be supposed to have gone into the booth for the purpose of influencing his tenant, or that Mr. Wilson was supposed, by his presence, to be endeavouring to influence the tenants of Lord Downshire, whose local agent he was, or that there might have been an ill feeling towards Mr. Wilson on the subject

subject of the commons, about which there appears to have been previous litigation with the people. I do not regard such excuses, but the questions remain. Was Mr. Dalway responsible for such assaults, and were they of such a character as, within the authority of any decided case, would be sufficient to vitiate this election? I must express my regret and surprise that the perpetrators of those outrages, particularly of the gross attack upon Mr. Wilson, were not taken up, tried, and, if convicted, punished. Three of those who assaulted Mr. Wilson were identified by James Craig, a witness and supporter of the petitioner. One of those three men, called Strain, was identified by Mr. Wilson himself, and I regret that those three men who, I have no doubt, acted as Mr. Wilson and Mr. Craig have stated, were not punished for it. However, as I have already said, the question is how far Mr. Dalway is answerable for these assaults, and how far they vitiate or affect the election. The mob were certainly in Mr. Dalway's interest, that is to say, they were his supporters, anxious for him, and testifying their zeal in a highly reprehensible and criminal manner, so far as these two assaults were concerned. But we must not lose sight of this, that when Mr. Wilson was assaulted, some three or four of Mr. Dalway's prominent supporters tried to protect, and to a certain extent did protect him. He voted for Mr. Torrens, and Craig also states that he himself voted for Mr. Torrens, and there is no evidence whatever to show that any single voter on that day was prevented from voting; on the contrary, the result of the evidence, is that, with the exception of those assaults on Mr. Wilson and Mr. Cornwall, and one on Mr. Borthwick, which was of a much more mitigated character, there was not any such rioting, disturbance, or violence in the town, as would reasonably have deterred any person from voting. It also appeared on the evidence, that so far as the general mass of the electors on both sides, and the people of the town, were concerned, there was no hostility between them; that, on the contrary, on several occasions, the voters on the one side, and the voters on the other were seen together, and sometimes treated each other. But, what is more satisfactory, and what I more rely upon, is the evidence of Mr. Irwin, the resident magistrate; it was his duty to preserve the peace, and from his experience and knowledge of such matters, from the necessity he was under, in the discharge of his duty, of looking after the state of the town that day, he was peculiarly capable of giving satisfactory evidence. He states, in his evidence, that the town on the day of the election was remarkably quiet; that he had 120 men, which were sufficient to enable him to keep it quiet if disturbed, and that he witnessed the assaults on Mr. Wilson, Mr. Cornwall, and Mr. Borthwick. It is, I think, unnecessary to refer to the evidence of the assault on Mr. Borthwick, because it falls far short of the others, and that gentleman does not come here to speak of it. Mr. Irwin also states that those were the only instances of disturbance he saw during the day; that he never saw a more quiet election, and that he did not see very much drunkenness. Now, upon this state of facts, I cannot come to any other conclusion than that there was not any such intimidation or undue influence by means of intimidation upon that day as would be at all sufficient to affect the validity of the election.

I shall now consider another ground of objection, namely, that of treating, and the treating relied on, is the giving food and drink to voters upon the day of the election, or some day before or about that time.

Now, it is material to direct attention to the two sections of the Corrupt Practices Prevention Act, 1854, which have been so much referred to. The fourth section provides that, "Every candidate at an election who shall *corruptly* by himself, or by or with any person, or by any other ways or means on his behalf at any time, either before, during, or after any election, directly or indirectly give, or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of 50 l. to any person who shall sue for the same, with full costs of suit."

According to the obvious and grammatical construction of that section, the word "*corruptly*" at the beginning of it governs the entire of the section. It is not necessary to rely on the word "*corruptly*" which occurs in the middle of the section of the Act before the word "*influencing*," because that refers to only one of the acts mentioned in the section, but the word "*corruptly*," at the beginning of that section, renders it necessary that every act therein mentioned should be done corruptly in order to constitute an offence within that section. The 23rd section then provides, "That the giving or causing to be given to any voter on the day of nomination or day of polling, on account of such voter having polled or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket, to enable such voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of 40 s. for each offence, to any person who shall sue for the same, together with full costs of suit." In that 23rd section the word "*corruptly*" is not used, and though that section does not mention the word "*candidate*," it applies as well to acts done by the candidate or his agent as to acts done by any other person. Upon those two sections of that Statute what is the reasonable conclusion? That the same act of a candidate which, if it fell within the fourth section (as having been done corruptly) would disqualify him from being elected, would, if it only fell within the 23rd section, render him only liable to a 40 s. penalty. There must therefore be a difference between the acts of the candidate, which were legislated

Carriekfergus.

against by those two sections. As it could not be reasonably supposed that the Legislature intended to subject the candidate to different penalties by the two sections for the same act; I think the difference is, that to bring the act within the fourth section so as to disqualify the candidate from being elected, the act should be done corruptly.

I have attentively considered the authorities which were referred to by counsel during the trial, and the first I shall mention is the case of *Cooper v. Slade*, which is reported in the sixth House of Lord's Cases (p. 746), and previously in 6th Ellis & Black (p. 447), when before the Court of Exchequer Chamber. That case was an action for penalties under the 2nd section of the same Corrupt Practices Prevention Act, which, by the first paragraph, provides that every person shall be guilty of bribery "who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration, to or for any voter, or to or for any person, on behalf of any voter, or to or for any other person, in order to induce such voter to vote or to refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted, or refrained from voting at any election." The questions in that case arose upon the 7th and 8th counts of the declaration. The 7th count proceeded on the first part of that first paragraph, and alleged defendant's promise before the election of money to induce the voter to vote. And the 8th count proceeded on the 2nd clause of that first paragraph, and alleges that the defendant, after the election, corruptly gave money to the voter on account of his having voted. The money given was for the purpose of paying the expense of conveying the voter. The case was tried before Lord Wensleydale, then Baron Parke. The verdict was had for the plaintiff on both counts, and the case came before the Court of Exchequer Chamber on a bill of exceptions, alleging (amongst other grounds of error), that there was no evidence to support the charge contained in the 8th count, namely, that the act was done corruptly. The Court of Exchequer Chamber held that there was no such evidence; and Baron Alderson, in delivering the judgment of that court, makes the following observations with respect to the 4th and 23rd sections of the Act. In pages 456 and 457, he says, "the 4th section only prohibits the *corruptly* giving of meat, &c., for the purpose of corruptly influencing a voter to give a vote. It does not prohibit the *bonâ fide* giving of such meat, &c., unconditionally, while section 23 absolutely prohibits any giving of refreshment to any voter on the day of nomination, or day of polling, on account of his having polled, or being about to poll, without using any such words as '*in order to induce*'"; now, a giving of refreshment might clearly be within section 23, and not within section 4, because not given in order to induce the voter to vote.

Again, in page 459, he says, "We think the word '*corruptly*' has a definite meaning. If, for instance, there had been a previous unlawful promise conditional on the voter voting, or if there had been a previous understanding to that effect, or a corrupt bargain, for the future, we think the case would have been within the Statute."

Baron Alderson then observes upon the consequences that would result from not giving to the word "*corruptly*" the meaning he contended for.

Upon that case coming before the House of Lords, the judgment of the Court of Exchequer Chamber was reserved; but Mr. Rogers states, in his work on Elections, page 351 (last edition), that the decision was reversed without impugning the law laid down; and, upon looking at the Report of the Proceedings in the House of Lords, I find that, so far as the construction of the 4th section is concerned, there is no decision of the House of Lords opposed to the construction put upon that section by Baron Alderson. The case before the House of Lords arose upon the word "*corruptly*" in the 2nd section; and Baron Alderson had, in the course of his judgments in the Exchequer Chamber, referred to section 4 for the meaning of the word "*corrupt*." It has been urged that the majority of the judges, in answering the questions put to them by the House of Lords, expressed their dissent from the decision of the Court of Exchequer Chamber, but they did so upon the ground that there was, in their opinion, evidence to go to the jury that the act was done corruptly. It will be found that Baron Channel, Baron Watson, Justice Williams, and Justice Wightman, in their judgments, referred to the fact of the promise having been made before the vote, as evidence that the subsequent performance of it was corrupt. It is true that Mr. Justice Willes goes somewhat farther, and expresses his opinion that if a man purposely does an act which the law forbids as tending to corrupt voters, then he does that act "*corruptly*." But, as he has since observed, Mr. Justice Willes, in giving that opinion, was dealing with the case of bribery, and with the word "*corruptly*," as used in section 2.

And Mr. Justice Coleridge, in pp. 784 and 785, states his opinion that, in case of payment to a voter after the election, it was material (in order to bring that act within the second section) that it should have been done corruptly. He also observes, that the Statute expressly made the operating motive in the mind of the party material, and required that that motive must be "*corrupt*"; and he further observes, that it would be against the proper construction of the Statute to make the act of itself evidence of corruption.

The judgment of the House of Lords in that case was given by Lord Cranworth and Lord Wensleydale. It is true that Lord Cranworth, in his judgment (page 788), states that he could not give to the word "*corruptly*," as used in the 2nd section with reference to a payment after voting, any other meaning than a payment in violation of that which the Statute was passed to prohibit. But Lord Wensleydale, in his judgment, pages 790 and 791, referring to the construction which he had put at the trial upon the word "*corruptly*," stated, that "he did not exactly understand the meaning of that word as used in

in that Act"; and that he was not perfectly satisfied with the correctness of the opinion he had expressed as to its construction. In a further part of his judgment (p. 797), he also says, "I have, however, very great doubt whether I was right in my construction of the obscure terms of the Act, &c., in holding, that if a candidate, after the election, pays a voter money, the moving cause of his doing so being that the voter has given him his vote, the payment is '*corrupt*.'"

The final decision of the House of Lords was, that upon plaintiff entering a *nolle prosequi* upon the eighth count he obtained judgment upon the seventh count; which did not raise the question at all. I have referred so fully to this case, being one of such importance and high authority, and because it was so much relied on by counsel during the trial as bearing upon the meaning of the word "*corruptly*," in the fourth section.

With regard to the acts that have been held to constitute the offence of treating, Mr. Kisbey, in his very able address, has referred to two cases decided by Committees of the House of Commons. One was the Roscommon case, in 1st Wolfstone and Bristowe, p. 107, in which the election of Captain Gough was voided, it appearing that voters had, when they came in from the country the night before the polling, been kept and accommodated in various refreshment houses in the district. That was held to amount to treating. The other case, referred to by Mr. Kisbey, was the Peterborough case, in 2nd Power, Rodwell, & Dew, page 259, in which the election was also held void upon the ground of treating, because, on the morning of the declaration (and of course after the election was over) cards were issued, announcing that a public dinner would be given to the successful candidate, and because the successful candidate going to the dinner paid for the wine.

This case certainly goes very far; but, with every respect for the decisions of Committees of the House of Commons, and admitting that so far as practice goes, and where a case is without precedent, they are decisions to be regarded, it will be seen that those decisions are by no means uniform upon the subject of treating. Thus, in the "Carlisle case," which is also reported in 1st Wolf & Bristowe, p. 95, immediately preceding the report of the "Roscommon case," it appeared that the petition was for bribery and treating. It was proved, in that Carlisle case, that the agent of the sitting Members had invited about 20 out-voters to breakfast at his house on the day of the election, that the voters came there in conveyances provided for that purpose by the agents of the sitting Members, and that the solicitor of one of the sitting Members had also invited four other voters to breakfast. But the ground relied upon by counsel for the sitting Members, as disproving the charge of treating and corruption, was that all the persons so invited had long before promised their votes to the sitting Members, and were all supporters of the political party to which the sitting Members belonged (a fact to which there is something similar in the present case), and the Committee adopted the view pressed by the counsel for the sitting Members, namely, that what was done was done *bonâ fide*, and that the treating was not corrupt, and accordingly the election was held good.

Mr. Kisbey also relied on the Falkirk case, in 1st Wolverstone & Dew, p. 170, in which case the Member was unseated on the ground of treating, it appearing that not only on the polling day, but on previous days, eatables and drinkables were supplied to voters, without payment or stint at several inns in the town, and that the treating went on at the committee-rooms on the polling day; and that the agent of the sitting Member, for election expenses, ordered some of the refreshments supplied on the polling day to be put down to the committee; but, in the very same book, pp. 111 and 113, the Tewkesbury case, relied on by Mr. Law, is reported, in which the Committee held that the charge of treating was not sustained, although it appeared that on the polling day, from early in the morning until evening, refreshments (not certainly considerable in quantity), were supplied in the house of the sitting Member's agent for election expenses, and were partaken of by some voters and others.

I shall also refer to the Aylesbury case, in 1st Wolverstone & Bristowe, pp. 13 and 15, in which it appeared that refreshments were supplied at the hotels to various voters; that the agent of the sitting Members was "in and out of the inn during the whole day," which would imply his sanction of what was done; and yet the Committee found that the charge of treating was not proved. I refer to these cases, to show that the decisions of the House of Commons cannot be said to be uniform upon this question of treating; they are decisions which it would be difficult to reconcile one with the other, and therefore we must consider each case upon the facts proved in evidence.

I shall now refer, in the first instance, to the alleged treating at Gray's house. It is clear, in my opinion, that Gray should be regarded as the agent for Mr. Dalway. That has not indeed been controverted; and what I have to consider is, whether the act of supplying drink there was done "*corruptly*" within the meaning of the 4th section. If it was it would subject the parties to a severe penalty, and under the 36th section the sitting Member would be subject to the further penalty of disqualification for sitting for this borough during the present Parliament. I feel, therefore, that I should not come to such a conclusion except upon satisfactory and sufficient evidence. I need not go in detail through all the evidence on this matter, which could not be done within any reasonable limits, and it has been already very ably commented on by Mr. Kisbey in his reply. But it appears to me that the result of such evidence is, that all the voters who partook of drink in Gray's house had come there with the express determination to vote for Mr. Dalway, that all of them, with the exception of some 10 or 12, had their voting cards with them; that the great majority of them were country voters who had left their houses very early; and

Carrickfergus.

that the principal part of the drink supplied upon that occasion (namely, that supplied by Adamson & Logan) was not got till the election was virtually decided, namely, about half-past 11 o'clock, when, it appeared upon the evidence, that Mr. Dalway's majority was one that could not be got over, and that his return was morally certain. It is not shown that previous to that day there had been any promise or announcement that such drink or refreshment would be supplied. Gray states that nothing was said to any of the voters about their votes at the time of their getting the drink, and he also swears that what he did was of his own motion; and that in giving the people drink he had no intention whatever of influencing their votes. This is not similar to cases found in the reports of some election proceedings in England, in which it appeared that the treating was going on during the canvass, and that the candidate before the election had solicited the votes of the electors at public-houses, or other places where drink was supplied, and in which cases the election on various occasions have been properly voided upon the ground of treating.

Imputations have been thrown out upon the veracity or candour of some of the witnesses produced for the petitioner, who were supporters of Mr. Dalway, and I must own that, with regard to some of them, the imputation of want of candour appears to be not without some foundation. But I have been asked to do what I do not think I can do, namely, to go beyond the evidence, and assume facts of which no evidence has been given. The witnesses who have been impugned were called, not for the respondent to disprove the case made by the petitioner, but they were called upon by the petitioner to prove his case, and I cannot act upon the conjecture or suspicion that there are facts within the knowledge of those witnesses, but withheld by him, which, if stated, would make out or strengthen the case of the petitioner. I must decide on the evidence that has been given. If facts were proved by the petitioner from which, if uncontradicted or unexplained, inferences unfavourable to the respondent would reasonably be drawn, then the want of such explanation or contradiction might well be relied on, as showing that those inferences were well warranted; but the case is different when no facts are proved which would warrant such inferences. So far as the drinking at Gray's is concerned, I do not consider it necessary to refer to the evidence more minutely. I think I have stated the fair result of it; and, upon these grounds, and considering that the charge of corruption should be clearly made out, I cannot come to the conclusion that the drink in that place was given corruptly, or constituted the offence of treating within the 4th section.

Before I consider the other cases of treating relied on, I think it convenient to refer to the charges of bribery which have been brought against Mr. Dalway and his agents. It was properly admitted by the counsel for the petitioner, and indeed in making that admission he only stated what was the fact, that up to the close of the third day of this trial on Saturday evening not a scintilla of evidence was given to sustain this charge of bribery, although 49 or 50 cases of bribery were mentioned in the bill of particulars furnished in accordance with Judge Keogh's order. By that bill of particulars various persons of respectability and position are charged as bribers; and various other persons, some of them apparently of respectable position in this town, are charged as having been bribed. Some of those alleged to have been bribed and some of the alleged bribers were examined during the first three days of this trial. I need not go through their evidence, because it is admitted that the result was the same as to all. They positively denied that there was any foundation for the charge of bribery, and I see no reason whatever to doubt their evidence in, or to imagine that any of the witnesses, even those alleged by petitioner's counsel, to be subject to the imputation of want of candour in their evidence with respect to the charge of treating, are subject to the same imputation in respect to the charge of bribery. But on yesterday, the fourth day of the trial, evidence was given upon which it was sought, by Mr. Kisbey, to rely as proof of bribery, but I must say it was not pressed by Mr. Kisbey as if he felt he had a very strong case; I refer to the transactions with Thomas Boyd and John M'Dowell, who were examined yesterday. The transaction as to Boyd is that Mr. Dalway canvassed him, that the man said, "Come to my house and I will give you a promise," and that on the way he asked Mr. Dalway, not for employment or for money, but for liberty for his son to have a day's coursing with a young dog over the property of Mr. Dalway's father. The case as to M'Dowell is, that Mr. Dalway met M'Dowell, that the man came over to him, was canvassed by Mr. Dalway and immediately promised him his vote; that the man afterwards asked Mr. Dalway to give him work at the mines, and that Mr. Dalway said that he could not tell him anything about it; that he did not know whether there was work for him or not; but that he should go to Mr. M'Cartney who was employed by Mr. Dalway over the works at the mines which were several miles distant, and that he (M'Cartney) would tell him whether he wanted any hands, or had work to spare. Mr. Dalway further states that, in this conversation with M'Dowell about work, he had not in his mind the slightest reference to the man's vote at the election, and that he thought so little of the matter that he never spoke to M'Cartney about it, and did not, until some time after M'Dowell was employed, know that he had been so employed. Now, can it be seriously contended that either the one or the other of these cases will support a charge of bribery? With regard to the case of Boyd, I pass by the singularity of the inducement alleged to have been held out; and even assuming that it comes within the definition which Baron Alderson is stated, in Rogers on Elections, p. 341 (n), to have given of the words "*valuable consideration*" in the Bribery Act, namely, that they mean valuable consideration estimated in money, it seems almost a waste of time to dwell further upon this case for the purpose of showing it is not a case

of bribery. The liberty of coursing was one which Mr. Dalway states he had given to several; and was in the habit of giving on various occasions. With respect then to the employment of M'Dowell, I am at a loss to know if that be considered a case of bribery, what a person who was a candidate for a city or other place, and happened to be engaged in business could do, if any voter came and asked him for employment, can it be held that he should employ no voter?

I may refer on this matter to the observation of Mr. Justice Willes, in the Windsor case, in which a sovereign was deposited by the sitting Member, with a clergyman who was opposed to him, for the relief of a voter whom the sitting Member had asked for his vote. Mr. Justice Willes said the question was whether the depositing of the sovereign was a corrupt act or an act of humanity, and he held that it was not, under the circumstances, an act of bribery. I may also refer to the Carlisle case already mentioned, in which the agent for the sitting Member, on the day of the election gave a pound to a voter named Macpherson who had asked for his travelling expenses; which only amounted to a few shillings; but the agent said that he gave it more out of charity than anything else, the voter having stated that he was a struggling man. The counsel for the sitting Member insisted that the payment had been made *bonâ fide*, and did not amount to bribery, and so the committee decided. Upon these grounds I have no doubt that neither of these charges of bribery against Mr. Dalway has been sustained.

There remain still to be considered the other alleged cases of treating. The observations which I have made as to the drinking at Gray's house are applicable to most of them, with the additional fact that in most of them the agency of those connected with the giving of drink has not been proved. With respect to the drinking at Parkhill's, he was certainly a member of the committee, and an active supporter of Mr. Dalway, but he says that he got no orders to supply drink for the purposes of the election; that to his knowledge none was supplied; and that as far as he could say, no drink was supplied on the day of the polling that was not paid for, except that some neighbours of his might have got drink on credit at his house as they had previously done. He said he was out during the day, and that his wife and his daughters were in the shop, but they might have been called by the Petitioner, and there was no case made that rendered it incumbent upon the Respondent to call them.

Parkhill also satisfactorily explained the transaction about his wife having given drink in his house to Lough, his wife and daughter, who complained of cold.

With respect to James Anderson, it appears that he drank himself on the polling day, but paid for what he drank; that he treated a great many (12 or 15 persons) to drink that day; that he paid money himself that day, but he could not say how much. It certainly did not appear that he paid for the drink he gave others, but there was nothing to warrant me in holding that such drink was given for a corrupt purpose, or coming within the 4th section. As regards the quantity of drinking in the town generally on the polling day, it did not appear that it was to any considerable extent until the latter part of the day, when the election was virtually decided. It is a matter to be regretted that such habits of drinking should prevail, but we all know, as matter of every-day experience, that when people are brought together in a town on any occasion at fairs, markets, funerals, processions, or elections, this unfortunate habit of people treating each other, prevails to a very considerable extent. And as to the general state of the town on that day, Mr. Cornwall said, that in the crowd he saw about the polling booths, in the early part of the day, he did not see any one drunk; and Mr. Irwen, the residential magistrate, said he did not see very much drunkenness the whole day. There was nothing, therefore, in the general state of the town; no open public-houses into which people might go, that would warrant the conclusion which has been arrived at in other cases, that there was any general treating going on for a corrupt purpose.

The next case to which I shall refer is that of Miss Kirk's tenants. She was not in any way the agent of Mr. Dalway. She was his cousin and his friend. She did what may or may not be wrong under the 23rd section, but what I think is fully accounted for without imputing any corrupt motive. She got provisions for her own tenants who voted. And it appears that every one of them when canvassed for Mr. Dalway some time previous to the election had said they would support him. It is not surprising that Miss Kirk, being his cousin, and very anxious for his success, should have acted as she did; and Mr. Dalway swore he had nothing to do with it.

Then, with regard to the drinking at Pinkerton's. There was certainly a great deal of it there that day; but where is the evidence to show that this was treating under the Act? Repeated efforts were made on the examination of several witnesses by Petitioner's counsel, to ascertain who slept at Pinkerton's house the night before, who was there in the morning, and how many glasses of whisky were drunk. Wortley's evidence was much commented on. He was a cousin of Pinkerton's, and the owner of a fishing smack, and had, previously, dealings and accounts with Pinkerton from time to time for fish. He was examined at great length, and I never saw a witness in his class of life as to whose veracity less doubt could be entertained. He gave his evidence most frankly; stated that he was much interested in the success of Mr. Dalway, and that he brought his own boat's crew and the crews of other boats into Pinkerton's and gave them drink, for which he states he afterwards paid or settled with Pinkerton. But is there any evidence to connect Mr. Dalway or his agents with the giving of this drink, or to show that it was given corruptly within the meaning of the 4th section.

I have next to consider the charge as to the drinking at Belmont on the evening of the

Carrickfergus.

polling day; a proceeding that should have been avoided. A candidate, whether returned or not, should not have had any manifestation of this sort accompanied by drinking. But before I do so, I shall refer to what transpired during the trial about the entries in Hamilton's booth relating to the entertainment of Miss Kirk's tenants, which I omitted to notice before. The tearing out of the leaves containing those entries was a most improper act. Why it was done I am at a loss to understand, because, although Hamilton's son tore the leaves out, he kept them and produced them here, and they bear out what was said, that the whole of the entertainment for which the 5 l. 4 s. was paid by Miss Kirk to Hamilton, was in fact supplied. I am called upon to infer that because some other voters besides Miss Kirk's tenants partook of the entertainment, she was thereby guilty of bribery or treating, but that fact is explained by the statement of her steward Brown, that he got Miss Kirk's permission to bring some of his own friends to partake of the refreshments; that he did so, accordingly, and that, as far as his knowledge went, no one else got the refreshments. Besides, as I have already stated, Mr. Dalway is not in any way connected with this transaction.

With respect to the drink given on the evening of the holiday at Belmont, the evidence is this. The election was virtually over in the early part of the day, but Mr. Dalway did not leave the town until the poll was closed. He left the town about half-past six, and, as may be supposed, the announcement had previously spread that he was virtually the sitting Member. He says that at a place called Eden, he met (without expecting them) a band and a crowd of people awaiting him there, who had come from a different direction, from the county Antrim (which is immediately adjoining his house at Belmont), in order, of course, to congratulate him, and that they accompanied him from Eden to his house; that before his arrival at Eden, Mrs. Dalway had sent down to a publican in Eden to order whisky, and that whisky was brought to Belmont and distributed to a certain extent among the people, and that a considerable quantity of it was consumed. But with respect to voters, Mr. Dalway states that he did not know that a single voter was there. It turned out upon the evidence that two voters, namely, Douglass and Wortley, were there. It is probable that some others were also there, but Mr. Dalway states he did not know of it. Can it then be said upon these facts that this drink was given corruptly within the meaning of the 4th section, though it was an act which should not have been done, and which (though not vitiating the election) may affect the parties seriously in other respects, as I shall presently observe.

I have now to refer to what took place at Bella Hill, the residence of Mr. Dalway's father, who gave an entertainment there, on the following night after the declaration of the poll. It was an indiscreet proceeding on the part of Mr. Dalway's father, to have it so soon after the election, but the evidence does not show that it was done with any motive except that of testifying his natural delight at his son's return, and testifying it in the manner in which, unfortunately, it is too much the habit of people in this country to show their satisfaction, namely, by distributing drink to a considerable extent; and I see nothing in this transaction that could be relied on as vitiating the election.

I think I have now mentioned all the objections relied on by Petitioner's counsel. If I have omitted any of them in my judgment, I have carefully considered them during the trial, and I have also stated the several reasons which have induced me, notwithstanding those objections, to come to the following conclusion, namely, that Mr. Dalway has been duly elected, and that, in accordance with the Act of Parliament, I should report to the Speaker to the following effect :

First. That the sitting Member, Marriott R. Dalway, Esq., whose return has been complained of by the petition in this matter, was duly elected and returned to serve in Parliament for the borough of Carrickfergus.

Secondly. That no corrupt practices have been proved to have been committed by, or with the consent or knowledge of any candidate at such election.

And thirdly. That, on the evidence before me, it does not appear that corrupt practices have been resorted to at that election, and that there is in such evidence no reason to believe that corrupt practices have extensively prevailed at the election.

It now remains for me to dispose of the last, and not unimportant, matter, namely, the costs of these proceedings. The 41st section of "The Parliamentary Elections Act, 1868," provides that "all costs, charges, and expenses of and incidental to the presentation of a petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses, as are by this Act otherwise provided for, shall be defrayed by the parties to the petition, in such manner and in such proportions as the court or judge may determine, regard being had to the disallowance of any costs, charges, or expenses, which may, in the opinion of the court or judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful." As a general rule, the object of this Act was to assimilate, to a certain extent, the practice as to costs, with the rule of law that costs should follow the result. But a discretion is left to the judge, and it is perfectly clear that, under the Act, such general rule might be displaced
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by special circumstances. Mr. Law relied, very properly, on the unfounded allegations of bribery made in the petition; and if it was not for other circumstances in the case, these allegations, unsustained by evidence and inconsiderately made, would be ground for adhering to such a general rule. In my opinion, however, there are circumstances in this case which exempt it from the operation of that general rule. The giving of the drink on the polling day at Gray's house, though, as I have already stated, it was not done corruptly, and was not a ground, under Section 4, for avoiding the election, was still a proceeding much to be reprehended, and was clearly illegal under the 23rd section of the Act. This transaction, and some of the others to which I have referred, with respect to drinking, were of a character calculated to excite suspicion of undue practices, and not unreasonably calculated to invite inquiry. It is true that the giving of drink in the committee room was the act of Mr. Gray himself, and was not done with Mr. Dalway's concurrence, and that the only knowledge brought home to Mr. Dalway of any such thing having been done was a circumstance that might have struck him, and did strike me, as immaterial, namely, that he saw some whiskey in two bottles in the room. But it must be recollected that, under the election law of Parliament, a candidate, however morally innocent of any charge, is legally answerable for the practices of his agents; and though the case, either as to Mr. Gray or Mr. Dalway, does not come within Section 4, yet I cannot but hold that, so far as regards the costs of this petition, Mr. Dalway is responsible for the drink having been given.

It is a matter to be deplored that habits of drink should prevail upon the occasion of elections. They prevail, unfortunately, upon many occasions, but the indulgence in them is far more dangerous at an election, when hostile and antagonistic political feelings are excited, and people naturally feel more interest than ordinarily in the result. In the present case it certainly does not appear that the assaults on Mr. Wilson and Mr. Cornwall arose from drink, or that the drinking on the polling day was otherwise productive of any injurious consequences so far as outrages were concerned. But when drink is once given, those who give or sanction it cannot know or form an opinion of the consequences to which it may lead. I think it should be discouraged, and that not only candidates, but their over-zealous friends and partizans should be apprised of the risks they run, and of the consequences to which they expose the candidate by such a practice, and that it might be attended with positive loss to him. Upon these grounds I think I should, in this case, do what I clearly have authority to do under the Act of Parliament, namely, refuse to give the respondents the costs of these proceedings. A similar decision has, I see, been recently made by Mr. Justice Willes in the case of the Guildford petition, in which, because he considered there were reasonable grounds for inquiry, and for presenting the petition, he would not award any costs to the respondent, though he declared his election valid. I shall, therefore, make the order that each party should abide his own costs of these several proceedings.

Mr. Law.] I do not know whether it will be necessary; but Mr. Gray's evidence as regards treating, and Mr. Dalway's evidence, might be made the ground of some vexatious proceedings, and I will ask your lordship for a certificate for those witnesses.

Mr. Justice O'Brien.] I will give you the certificates now if the forms are in court.

Mr. Law.] I believe those are the only two, my Lord. Perhaps your Lordship, if we think of any more, will grant them.

Mr. Justice O'Brien.] If you want any others I will consider the matter, but I will give you those two now.

Mr. Faulkner.] With reference to what Mr. Law said just now, I would say, on Mr. Torrens' behalf, that there is not the slightest idea on our part of putting those matters forward.

Mr. Law.] I am sure on your part there is not.

Mr. Justice O'Brien.] With respect to Gray I will say, in giving his certificate, that he appeared to me to have answered every question fairly, and I think the Counsel for the petitioner will concur in that view.

Mr. Faulkner.] Of course, my Lord.

Mr. Law.] I am not all apprehensive, on the part of Mr. Torrens or his advisers, but we do not know what any evil-conditioned persons might do when the case is not in their hands.

Mr. Justice O'Brien.] Mr. Law, if you take those two forms and give them to your conducting agent, and he brings them to my lodgings, I will sign them for Mr. Dalway and Mr. Gray. Now, gentlemen, the proceedings have terminated, and I hope the people of the town will preserve the same good order which they have, with one or two trifling exceptions, preserved in court during the whole of these proceedings.

CASHEL ELECTION.

Cashel.

JUDGMENT delivered by Mr. Baron *Fitzgerald*, 20 February 1869.

Mr. Baron *Fitzgerald*.] Two petitions are before me in this case, in which the same gentleman, Mr. Henry Munster, is petitioner; and the same gentleman, Mr. James Lyster O'Beirne, is respondent. Each of these gentlemen were candidates at the last election for this borough. The respondent, Mr. O'Beirne, was returned as the duly elected Member; the numbers upon the poll appearing to be, for Mr. O'Beirne, 100; and for Mr. Munster, 84. One of the petitions prays that the election may be declared void on the grounds of bribery, treating, and undue influence on the part of the respondent. The other petition claims the seat for the petitioner, alleging a majority on his behalf by reason of a disqualification of votes, through the same corrupt practices. In the case of the latter petition, a scrutiny has been so far proceeded with as to show in my mind sufficiently that the petitioner has failed in proving that he had a majority of legal votes; and I think that that was conceded by the counsel for the petitioner.

With respect to the petition which seeks to avoid the election of the respondent, it must be confessed that Mr. O'Beirne is before the Court under very singular disadvantages; but unfortunately they are of his own choosing; though he so far complied with the provisions of the Corrupt Practices Act of 1863, as to declare to the person, who is the proper officer for the borough, upon the nomination day, the name and address of an agent for election expenses on his behalf, namely, Mr. Patrick Connor; that appointment appears to have been a purely nominal one. According to that gentleman's own recollection he never knew of his own appointment until after the election; and such was also, at first, the recollection of Mr. Grace, the conducting agent and solicitor of Mr. O'Beirne, though in the course of the trial an accidental circumstance brought to his memory the fact that on one occasion during the election the subject of Connor's appointment was mentioned between them. Connor, however, has in fact performed no duty, unless the payment of two clerks since the election, by direction of Mr. Grace, can be considered as such. He knows nothing of the expenditure by or for Mr. O'Beirne on account of or in respect of the election; and Mr. Grace, the conducting agent for Mr. O'Beirne, is almost in the same situation.

Though the period for furnishing a detailed statement and vouchers of the election expenses under the statute has long since passed, no detailed statement has been presented to the returning officer.

From the evidence before me, it appears that all such payments as have been made on account of or in respect of the election have been made by cheques drawn by Mr. O'Beirne himself upon the National Bank in Cashel. From the bank books it appears that a sum not much exceeding 800 *l.* was at various times, in the interval between the 12th of October 1868 and the 9th of December, brought to his credit; on which 37 cheques were drawn up to the 26th of November; overdrawing the account then standing to his credit by 83 *l.*, which was made good by a subsequent lodgment to that amount. The nomination day for the election was Wednesday the 18th day of November last; and the polling took place on Friday the 20th.

Under these circumstances it might, I think, at least have been expected that, considering the grave charges in the petition brought against him, Mr. O'Beirne would have placed himself in the position of being able himself to account for the sums expended and paid upon his own cheques; but although the cheques appear to have been given up to him on the closing of his account with the bank in December 1868, neither he nor any of the witnesses, produced by him, have been able to do so. A large number of the ordinary and known expenses of the election appear to be unpaid. With the exception of some few, he is wholly unable to state the purposes for, or the persons in whose favour the cheques were drawn. The bank books only show the numbers of the cheques and their respective amounts. Mr. O'Beirne was apprised on the first day of this trial, Monday, of the necessity for the production of these cheques; he was then served with a *subpœna duces tecum* to produce them; and on my attention being directed to the fact, I directed his attention to the necessity that there was for their production; they were then stated to be in the possession or procurement of some confidential person in his employment in London, and no doubt was expressed that they would be easily forthcoming before the trial terminated. One would have thought that the speediest mode of communication with London would have been adopted, and yet it was not until the afternoon of Thursday that an answer was received from the gentleman to whom he wrote, stating that he had received a copy of the *subpœna duces tecum*, and had looked in vain for the documents mentioned in it, and that he did not know where they were, but suggesting that they might be in a drawer, of which Mr. O'Beirne had the key. There is a difficulty, as I understand Mr. O'Beirne, in getting this key; and he does not, so far as I can see, entertain any confident expectation that the documents would be found in the drawer if it were obtained.

Of the sum of 800 *l.* to the credit of Mr. O'Beirne in the bank, the substance of the information which we have from Mr. O'Beirne is this: the money expended in any way on

on the election did not much exceed 500*l.*, and of this nearly 400*l.* was spent in what is properly called the hiring of mobs, or employing persons during the canvass for the election in what is termed "protecting" the candidates and their friends from, or resisting, adverse mobs. The expenditure of this 400*l.* was principally entrusted to three persons, named Canavan, Meenahan, and Keeffe, who were employed by Mr. O'Beirne for this purpose. He says that accounts, or something in the nature of accounts, were furnished to him by these men, but these are not forthcoming; he calculates that from 60*l.* to 70*l.* in all, was given to Canavan; from 30*l.* to 40*l.* to Meenahan; and from 150*l.* to 180*l.* to Keeffe: making a total, taking a mean, of 265*l.* entrusted for expenditure to these men. Not one of these men has been produced as a witness, though the name of Keeffe frequently occurs in the evidence as ordering a considerable amount of liquor from the publicans through the town. The only two other persons (I except, of course, the conducting agent, and the agent for election expenses) whom Mr. O'Beirne recognises as in any way his agents, are John Hogan and Simon Tray. To each of these a cheque for 60*l.* was given as their hire as canvassing agents; but the cheques, when given, were post-dated, the dates being, if I rightly understand the evidence, the 28th of November. Mr. O'Beirne states that in each case the cheques were given with a direction that they should not be presented at the bank without his authority, with this difference, however, between them, that Hogan was to be at liberty to present his cheque after the 28th November, but Tray was not, under any circumstances, to present his cheque without his authority. The reason stated by Mr. O'Beirne for this direction was an apprehension of overdrawing his account. After the election, however, he wrote to Hogan directing him not to present the cheque, his credit having been then overdrawn, but promising payment of the amount otherwise when he returned. Tray's cheque has never been presented for payment.

Hogan has been called as a witness by the petitioner. He states that he was hired as a canvassing agent by Mr. O'Beirne, and received a cheque for 50*l.* for himself, and for his own services only, when hired. He says nothing of the post-dating of the cheque, but accounts for his not having presented it for payment before he received Mr. O'Beirne's letter, by his wish to spare that gentleman's credit.

He says there was some danger to be apprehended, and he, in fact, performed no services. He describes the letter received from Mr. O'Beirne as giving no reason for the directions not to present the cheque; and he represents himself as returning it in the consciousness that he had performed no services. And the reason that he gives for his not having rendered any services, I shall state in his own words. The way the question was asked him is: "Were you employed as a canvassing agent for Mr. O'Beirne, and did you not canvass?" He says,—“I saw the danger, being a little green upon it; when I saw the danger I did not put myself in danger.” “What was the danger in canvassing?”—“I saw I might get into a scrape.” “By bribery?”—“Yes.” “It was because you would not get into a scrape by bribery that you would not act as canvassing agent for Mr. O'Beirne?”—“Yes.” “Did you think you were employed to bribe?”—“I was not told so.” “Did you understand that you were employed to bribe?”—“No.” “Why were you afraid to canvass; tell me?” Then the witness says: “I will ask your lordship for protection.” I desired him to answer the question. “Why were you afraid to canvass?”—“Because I thought it would be dangerous to bribe, and consequently I did not do so.” “On your oath, did you not know that the 60*l.* was given to you to bribe?” The answer is,—“No.” “What did Mr. O'Beirne say when he gave it to you?”—“Nothing. He said nothing at all.” “He did not tell you it was to pay you?”—“He told me it was for my own private use.” “He said, this is for yourself?”—“Yes.” “And you never used the cheque?”—“I never presented it.” “And never did anything for it?”—“No.” So he repeats, over and over again, that the money was given to him for his own services; that no instructions were given to him to bribe, and nothing said to him; and that for some reason or other he did not canvass; that is the ground on which he puts his omission to canvass.

Now he is the only one of those who were admitted agents in any way, who knew anything whatever of the expenditure, or who had money in their hands, who is before the court at all; because the only other acknowledged agent left Cashel after being served with a subpoena in this case by the petitioner. He is a dealer, it appears, in old clothes; and his wife, who has been called, states that she believes he went to London. He returned to his house however some fortnight or three weeks ago, and after remaining a night or two, again went away. She saw him some days ago in the streets of Cashel, and spoke to him, she says, for a few minutes, but never asked him where he had been nor where he was going to. She says she has not seen him since, and is wholly ignorant where he is gone to, or where he is.

A piece of evidence seriously implicating this man, Tracy, if true, has been given in the case. A woman, named Rochford, the wife of John Rochford, an elector of the borough, states that on a night in the election week, she being a dealer in feathers, went to Tracy's shop for the purpose of buying tick to put them in; and that she was taken inside, into a room by Tracy's wife, who told her that Tracy had been entrusted with money by Mr. O'Beirne, and she showed Mrs. Rochford some cheques, the number of which she cannot tell, but she believes there were 10 or 12. She says she was shown particularly one cheque for 50*l.*, Mrs. Tracy saying that it was for two friends of hers; and that there was a promise made to give her a cheque for 30*l.*, if she would procure her husband to vote

Cashel.

for Mr. O'Beirne. Mrs. Rochford said she would prefer money to a cheque; and she says that Mrs. Tracy then produced a bundle of bank notes. Mrs. Rochford professing some doubt as to whether her husband would vote against Mr. Munster, promised to try to persuade him. Upon her going home, Mrs. Tracy promised to send her husband after her, as soon as he should come home. On getting home, however, Mrs. Rochford found at her husband's house Simon Tracy and Mrs. O'Mara, with her husband. Tracy took her aside, and urged her to try to procure her husband's vote for Mr. O'Beirne. Tracy told her that as soon as she did so he would bring him, or have him sent for by Mr. O'Beirne. Tracy does not appear in this statement to have himself made any promise of money. The husband of Mrs. Rochford has been produced; he confirms his wife as to the fact of Simon Tracy and O'Mara being at his house. He also deposes to his wife having been taken aside by Tracy; but he does not appear to have been promised any money by Tracy himself.

Now, supposing the story told by Mrs. Rochford to be true, I have no doubt that, under the circumstances, no jury would hesitate to find the act of the wife to have been by the procurement of her husband; if so, I confess I see no way in which Mr. O'Beirne could escape the consequences of an act of bribery by his agent. It is said by Mr. Hemphill that it would make a difference that the wife was the agent of Tracy; I cannot, I confess, see that. In doing that which is the act of an agent, the agent may use the instrumentality of another; otherwise there would be no use in establishing any law of evidence on that point at all, for the effect on the principal through the agent would be done away with altogether. No doubt, there are to be considered improbabilities in the story itself. It is to be considered that Mrs. Rochford has, to a certain extent, discredited herself by the readiness with which, according to her own account of the conversation, she seemed to avail herself of the promised money. She is positively contradicted in all the material points by Mrs. Tracy. Further, she is contradicted in some other respects, though not immediately relating to this transaction, by Mrs. Hackett. Now, doubtless, the story at first sight seems improbable; but supposing Tracy to be entrusted with money for an improper purpose, in the capacity of a canvassing agent, unless bribery by an agent in a proceeding of this kind is to be considered an improbable matter, how can I deal with that as an improbable thing? Then the ways in which a man in Tracy's position would use the money so displayed are not easy to be explained or interpreted. The display of money in this way seems at least to have been well calculated to produce an effect on such a mind as that of Mrs. Rochford. She is contradicted, it is true, by Mrs. Tracy; but Mrs. Tracy stands, herself, under strong suspicion as a credible witness. She is deeply interested in denying the truth of the story; and while she admits the fact of the interview, the account she gives of what took place is a mere turning of the tables upon Mrs. Rochford, representing her as seeking a bribe, and her husband as having been bribed, or used by Mr. Munster to get a bribe from Mr. O'Beirne. Mrs. Hackett stands discredited similarly with Mrs. Rochford, as a person making a demand for money through a supposed influence on votes. I do not find myself able to say that she is more to be believed than Mrs. Rochford. The story may be exaggerated, it may be in some respects coloured, but that cheques and money were proposed that night, for the purpose of inducing her to obtain her husband's vote, I am not able to disbelieve. The effect of that would be, at least, to affect Mr. O'Beirne with bribery through his agent.

Now there are two cases of old debts, or sums claimed as such, as due of Mr. O'Beirne, or his agents, from the former election of 1865, which have been proved before me. The payment of these sums on the eve of the election is admitted. The sums so paid are sums which Mr. O'Beirne is able to identify with cheques; at all events one of them is; and I think he himself proved the payment of two other demands of the same nature, one of them being paid to a person who was not an elector. Claims in reference to a former election, made at such a period, naturally suggest what is passing in the mind of the person who made them. One of those proved is that of Timothy Hogan for 20*l.*; and the other that of Mr. Hanly who made his claim through the conducting agent and solicitor of Mr. O'Beirne for the election; and who did it, as he himself states, for that very reason. How am I to deal with four demands of this kind, made in that way, with that plain feeling upon the minds of the parties who made them, and satisfied; Mr. O'Beirne professing himself not to have any knowledge of his own of the nature of those demands at all, paid almost without inquiry, as far as appears.

The next class of cases demands still more particular consideration. They are cases of hiring apartments in the houses of voters, as committee or tally rooms. There are, as far as appears in evidence, four cases of this sort. I shall take them in the order in which they were presented to me on the trial. The first in relation to which evidence was given, was the case of Ryan and Murnane. Ryan and Murnane are brothers-in-law who have votes; and both resided in the same house. Murnane, according to Captain Graham's evidence, had given him an early promise to vote for Mr. O'Beirne. Murnane was also canvassed by Mr. O'Beirne himself, who came to Cashel about the 10th of October. He promised him his vote; and, according to Mr. O'Beirne's recollection, he promised also for his brother-in-law Ryan. However, it appears that in the week before the election, Ryan set a room, or rooms, in the same house to Mr. Munster, through a man named Cunningham, for 50*l.* The use, or alleged use, for which the rooms were taken by Mr. Munster was to hold meetings of electors, for which the rooms of Corcoran's Hotel were found insufficient or inconvenient. Ryan was paid the 50*l.*, and Cunningham took his receipt for it. A day or two after, according to Cunningham's evidence, he declined to give

give the rooms for some reason or other, and Cunningham acquiesced, and the 50*l.* was returned, and the receipt delivered up to Ryan. Cunningham says that at the time Ryan told him he would not give the rooms unless he was paid 10*l.* for the vote of Murnane. Some two or three days before the election he was brought by Captain Graham, and another person, to Mr. O'Beirne, according to his evidence. Mr. Hanly, an active supporter of Mr. O'Beirne, says that he, three weeks before the election, had, by Captain Graham's advice, gone to look for Ryan's rooms for the purpose of a committee, if any such should be formed; and that he was then told by Ryan that he had been offered 60*l.* on the part of Mr. Munster; but that he would give Mr. O'Beirne the preference. Mr. Hanly says that he exclaimed against that sum as enormous; and the matter then seems to have broken off. However, on the day, two or three days before the election, Ryan, with another person, whose advice in this matter took place antecedently, went to Mr. O'Beirne. There Mr. O'Beirne agreed to give 60*l.* for the apartments, and Ryan was paid on the spot. Mr. O'Beirne says that he came in, about an hour after, making a further demand; but that he told him that if he was not satisfied he was at liberty to give back the money, and take his departure. The house was, in fact, made no use of by Mr. O'Beirne, but Ryan and Murnane both voted for him. The use for which it is said the house was taken was for collecting the voters of the commons of Cashel, which are at some distance from the town, the night before the polling day, according to what is said to be the usual custom. The apartments were not used; and that was accounted for by the statement that they were rendered unnecessary by the accident of a dinner having taken place on that night in Dwyer's Hotel, at which the commoners attended.

The second case is that of Patrick Mackey. He is a voter; and, according to his evidence, he was, in the latter end of September, applied to by some person in the interest of Mr. Munster to let an apartment in his house. His answer, he says, was, that he would not let it for a small sum, and that he finally demanded 50*l.* He says that though, in fact, he offered to take 50*l.*, he would not have taken any sum on that side, having made up his mind to vote for Mr. O'Beirne; though he admits that when he was first canvassed by Mr. O'Beirne, he told him that his mind was not made up; that he would wait till he saw how the majority would go, and that he would go with them. There are two things very remarkable in this, namely, that he says he would not give the apartments, because he had not made up his mind how he would vote; and that he represents himself as saying that to Mr. O'Beirne when asked for his vote. After that, he says that Captain Graham came and applied to him to set his apartments for 40*l.* to him, for his own use, and that he agreed to do so. He says that Captain Graham failed to take possession of them. Captain Graham's account is that Mackey asked 40*l.*, which he thought too large a sum; and that afterwards, finding cheaper lodgings that suited him, he did not deal further with Mackey. The week after this, which would be, according to the evidence, about three weeks before the election, he was sent for by Mr. O'Beirne, and, according to his evidence, agreed to give the apartments without any price being named. According to Mr. O'Beirne's evidence, he asked 40*l.* for the premises, which he, after some hesitation, agreed to give. Mackey, he says, had promised to vote for him about three weeks before; and he did vote for him. No use was made of these rooms whatever.

The next case is that of Thomas Murphy. He is a voter. According to his evidence, he was applied to by persons interested for Mr. Munster to set rooms to them. He says, he came to no understanding with them, but said he would consider of it. He then, he says, went to Mr. O'Beirne, and told him that persons in Mr. Munster's interest were wanting to take the rooms. He forgets, he says, whether or not Mr. O'Beirne said, in reply, to set them to him, Mr. O'Beirne; but he did say that the house was too good for him to have anything to do with the other side. Then he says that he himself offered to set the apartments to Mr. O'Beirne, and that Mr. O'Beirne agreed to give 25*l.* for them, saying that he might or might not want the rooms. He says that at that time he had made up his mind to vote for Mr. O'Beirne. The rooms were not used. He voted for Mr. O'Beirne. He, it appears, has not yet been paid. The taking, he says, was on the nomination day. And in this he substantially agrees with Mr. O'Beirne, who, however, seems to be under the impression that the rooms were let as a substitute for Coffey's, which is the next case.

Michael Coffey, whose case is the fourth, when Mr. Munster first came to Cashel (which, I believe, was the middle of October), was canvassed by him, as he says, and promised him his vote. The promise, he says, however, was only given to get rid of him. After that, he says, he at different times promised his vote to Mr. O'Beirne. Within a week of the election, he says, Mr. O'Beirne came to him to take rooms in his house, and he agreed to give them; no price being agreed on. On the day before the polling, which would be the 19th November, he, by writing, agreed to let rooms in the same house to Mr. Pat Laffan, the brother of Michael Laffan, the conducting agent, for 25*l.* On the same day, he says, he was in treaty with these parties, by a Mr. Con. Hanley, whom he describes as a committee-man of Mr. O'Beirne, and who told him to get as much as he could out of him. On the night of that day he received a letter from Mr. O'Beirne, telling him to call up to be settled with. And on the next morning (which would be, as I understand, the day of the polling) he was paid 20*l.* by a cheque, which was handed to him in an envelope by Mr. O'Beirne. No use was made of these rooms, and he voted for Mr. O'Beirne.

Cashel.

Now, these are the four cases, and each of them has this in common, that no use was made of the rooms upon one account or another——

Mr. Hemphill.] Except one.

Mr. Baron Fitzgerald.] Except one; if you think that is material. When I say "no use," I mean no substantial use. No substantial use was made of any one of them; extravagant prices were paid for them all. In every one of the cases there was, according to the evidence, a cross-dealing between the parties, leading plainly to the inference that it was an understood thing that the letting of the house, and the promise given to vote, were conditions of the agreement; that the one meant nothing, unless the other condition was fulfilled by the taking of the house and the giving of some other benefit. In all the cases the plain understanding in the mind of the voter was, that the letting of the house, and the giving of the vote meant one and the same thing. So that I find it impossible, as a man of common sense, dealing with persons under these circumstances, paying extravagant prices, and making, in point of fact, no substantial use of the apartments in any one of the four instances—I find it impossible to deal with them in any other way than by coming to the conclusion that the apartments were taken for the purpose of influencing the votes. I find it impossible to come to any other conclusion, when I take each and every one of the cases together, the absence of evidence as to the expenditure, the absence of the only witness who could prove the expenditure, except Hogan, who gave the strong evidence to which I have called attention. Putting all of these cases together, and reading the one by the light of the other (and to these I might add the case of the hiring of voters, which might be a comparatively slight thing in itself, though a very dangerous practice), taking each and all of them together, I am unable to come to any other conclusion than that there were promises given for the purpose of influencing votes. In this case, I find myself bound to come to that conclusion, for I am bound to do my duty, sitting here, to the best of my ability.

There is another case, which I should hardly dwell upon but that the character of another person is also involved in it, and that is the case of bribery of two persons; of Mr. Close, through employment given to his son by Captain Graham, as the agent of the sitting Member. The account which Mr. Close gives of the matter is in substance this: he says, that having been met by Mr. O'Beirne in the street, about the time of the election, and in a friendly manner saluted by him; and Mr. O'Beirne having complained of his having not called on him, he did call on him at Dunn's hotel, where Mr. O'Beirne was staying. He says that Captain Graham, with one or two others, were in the room with Mr. O'Beirne. He says that after some short conversation he left the room, and that Captain Graham followed him out; that he told him he would be anxious to recommend his son for employment by Mr. O'Beirne; but he added that he would of course only deal with his son, and not with himself. Then he says that Captain Graham wrote on a piece of paper the words, "Twenty pounds," and asked him was that enough. He says that he laughed. That is confirmed, so far, by his son, who states that he saw the paper, and that he heard words tantamount to those to which Mr. Close, the father, has deposed. The son further says that he was met on a subsequent occasion, and that Captain Graham then asked him whether he had made up his mind to take employment, and that it was a matter that must be between him and his father; that though it was for service, that service would not be required, and that he knew very well what was meant; and the answer he gave was, that he had not made up his mind. That is the substance of the account given by these two men. Captain Graham's account is, that it is true that the elder Close, accompanied by his son, did come to Dunn's hotel, where these parties were; that it is true that after some conversation, in which votes were not mentioned, Close, the father, left the room; that he followed him out, and that he did suggest, and the account which he gives of that suggestion is that he had been on friendly terms with him; that he was interested in him; that he knew he was not in very flourishing circumstances, and that that being so, and being himself a friend of Mr. O'Beirne, and knowing his services would be required at the election, he did promise him, as a friend, to use his influence with Mr. O'Beirne to give his son employment. He says he did not do that in reference to his vote, because he entertained no doubt that Mr. Close would have voted for Mr. O'Beirne. He says that he did in the course of that conversation, upon Mr. Close mentioning to him the probability of his son not being in the way in order to be employed, suggest to him that it would be a good thing for him to have 20*l.* or 25*l.* That, he says, was the whole of it; and though it is true that he did subsequently meet the son, all, he says, that passed between them on the occasion was that he asked him whether he would take employment, and that the son refused. Positively, he denies the writing on the paper; positively, he denies asking whether that would be enough; and, positively, he denies having ever said to the son that the business should be between him and his father.

I have to judge which of these two stories I am to believe. I cannot pay regard to the mere fact that Captain Graham is a person in a higher rank of life; that he is a person in much more affluent circumstances than others of those who have been examined. To this extent I may pay attention to it, that no doubt, from a person in such circumstances, from a person in such a position, I may expect a higher and a greater regard to the principles of honour and veracity than might be looked for from persons not accustomed to depend so much upon honour and character in society. I must weigh, however, as I would in the case of other men, the manner and demeanour of the persons upon the table and
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the whole circumstances of the case. Now, it is perfectly true, as Mr. Butt says, that the interest of Captain Graham in denying this charge of plain and obvious bribery is very great; that, no doubt, is a temptation. Upon the other hand, I am bound to say, as to the manner and demeanour of Captain Graham upon the table, that nothing could have more impressed me, standing by itself, with a feeling that he was speaking the truth than that manner and that demeanour. Well, then I am to consider the case with reference to the Closes. Now, there is no doubt that in the story, as Captain Graham himself tells it, in the suggestion of the 25*l.*, in the following him out of the room, leaving Mr. O'Beirne apparently speaking to them by themselves, there were circumstances to suggest the notion of a secret offer of 25*l.* for the purchase of the vote; and I have then (which is of importance to be considered in every way) the materials of a story which, being in itself suspicious, is liable to be made still more so by the facts being coloured, turned, or exaggerated. Though that be so, there are in this, as in every other case, matters most difficult to be explained; while, as regards the colouring and exaggeration of the case, there certainly is ground, upon the evidence, to believe that Mr. Close is strongly interested, and naturally so, on behalf of Mr. Munster. Mr. Munster, it appears, at a very early period of the election, took, for a concert given by the Closes, a large number of tickets; while Captain Graham, on the other hand, refused to do so. It appears, also, that Mr. Munster acted very liberally indeed to this son of Mr. Close's, and supported him for several months; and therefore he has a strong interest in Mr. Munster's favour. While I acknowledge that the case is not without difficulty as to the question between the two, I hold myself bound to believe the story of Captain Graham. There might be a question as to whether in itself the story, as told by Captain Graham, would not be evidence of corrupt practices. I am not satisfied, however, that, adopting Captain Graham's account of it, I could so regard it.

Then, as to the next case, all I would say is, that the only part of it that ever impressed me was that dinner, on the 19th of November, at Miss Kate O'Dwyer's; but, notwithstanding the injudicious mode in which Mr. Butt, in his most able argument of last night, pressed that case, I am unable to resist the conclusion, from the evidence of Miss Kate O'Dwyer, who appears to me to be without any temptation to misrepresent the facts, that this was really a *bonâ fide* dinner for Mr. O'Beirne, and set on foot for Mr. O'Beirne by his supporters and electors; and the circumstance of its taking place upon the day before the day of polling was a purely accidental circumstance, as she herself proved, another day having been suggested by the parties who intended to give the entertainment, and she herself being the person who named this particular day for it. And, though it be true, I cannot regard it as an unnatural thing. If there be anything in what is said as to the usual practice of trying to keep voters together on the night before the nomination, Mr. O'Beirne not unnaturally availed himself of the opportunity of advising those parties to be kept together. I cannot say that the evidence proves that there was anything whatsoever in the allegation of confinement, or that any man who wished might not, if he pleased, have left upon that night; and, therefore, I find it totally impossible to deal with this as a case of corrupt treating.

The other treating proved in the case, I believe, to be of a class which is much and deeply to be regretted; but I find no ground for dealing with it as corrupt treating within the 4th section of the Act of Parliament. I have already alluded to the cases of employing the sons of voters, which appears to have been done in a very considerable number of cases. Standing by itself, however, I should find it difficult to deal with this, without accompanying circumstances, as a case of bribery. I rather look upon it as, coupled with the whole of the transactions, throwing a light upon them which leads to the conclusion that I am sorry I am obliged to arrive at on the whole case. That conclusion is, that the election of Mr. O'Beirne must be declared void; and owing to the unfortunate position in which Mr. O'Beirne has placed himself, of taking the entire expenditure upon himself, and the entire management of it upon himself, and so leaving himself without the means of proving the nature and extent of that expenditure, I am not relieved from the painful necessity of reporting to the House of Commons that the expenditure, for purposes of bribery, was with the knowledge and consent of Mr. O'Beirne.

I shall not take much time with the recriminatory case set forth in the second petition; the charges contained in it are the same, namely, bribery, treating, and undue influence. The case principally affecting Mr. Munster, in this petition, is that of Mrs. Hackett. It is a case very extraordinary indeed in itself; it appears that Mrs. Hackett is the daughter, the wife, and the sister of voters; she appears to have made an application to Mr. Munster, by letter, for relief, desiring that it might be concealed from her husband, but apprising Mr. Munster, at the same time, that those relatives of hers were all voters, and suggesting that she had influence over them, and would use it to induce them to vote for him; she wrote that letter to Mr. Munster, and she appears to have got access to him at his house, near Cashel, where he was living. Both she and Mr. Munster agree in this, that Mr. Munster upon receiving the letter expressed the greatest indignation at it, and declared that it was a most improper letter to write. In the room, however, was that young lady, Miss Ade, who, upon going out of the room was addressed by this Mrs. Hackett; she pressed her case upon the young lady, and according to the young lady's evidence she was impressed by it to that extent, that she felt a desire to relieve it herself; she did not, however, wish to do so without applying to Mr. Munster. Accordingly, she says that she did apply to him, but that he positively refused, and this Mrs. Hackett's evidence would bear out also) to allow any person in his house-

Cashel.

hold to be mixed up in the matter. Then it was suggested, according to Mrs. Hackett's evidence, by Mr. Richardson, who appears to have come over from England to this country as expense agent and solicitor for Mr. Munster, he being an old friend of Mr. Munster, residing in London, that Mademoiselle de Mont Cour might be induced, in a case of a charity like this, to advance the money. Mr. Munster, according to their evidence, was persuaded to allow that lady to be written to by the woman; he did, as he says, in a moment of weakness, assent to that. Accordingly, and I confess that this seems to me one of the parts of the case that requires explanation, if the story be true, the woman appears to have gone, as she says, by their direction, to Mr. Lafton, the election agent to Mr. Munster, who said that he would have the matter right for her. What he had to do with the transaction, supposing it to have been a case of mere charity, there is of course some difficulty in conceiving. It may have been, however, with a view to consult him as to whether in law they would be safe in acting at all in the matter, or something of that kind. However, she wrote a letter, omitting all reference to the votes, and sent it to Miss Ade, whom she supposed to be Mademoiselle De Mont Cour. However, she was given an envelope with a proper direction; and a letter in the same terms, omitting all reference to the votes, was sent to Mademoiselle De Mont Cour, and the result was that the cheque for 10*l.* was sent to her, and that cheque Miss Ade subsequently cashed herself, and she appears to have kept the cheque itself. That is the substance of the case. No doubt the facts are very suspicious, occurring at such a time and in such a manner. I have listened, however, with the greatest attention to the evidence. There is something no doubt extraordinary in every part of the evidence, as far as regards the ideas and mode of conduct of Mr. Munster; but, dealing with this case upon its own merits, I have been unable to bring myself to the conclusion that anything corrupt was intended.

With the other parts of this case, excepting the case of John Ryan, I feel little or no difficulty in dealing. As regards Ryan's case, *in limine*, even if it were true, there would be great difficulty in taking it as establishing a case against Mr. Munster, with reference to him. Ryan's account of the matter is that he called at the hotel also, upon a friend of Mr. Munster's, Mrs. Boyton, who appears to be now residing in the house of Mr. Munster in this town, and who had herself let to him the house in which he resides near Cashel. He says, that upon the occasion he was speaking to him about the price of some horse that he wished to sell to Pat Laffan for 70*l.*, and that when he was going away she took him aside (and he says he came over by their invitation at that time). She took him aside into a bedroom, and she told him that she had in a box which she produced the sum of 1,225*l.*, which would go upon the calculation of about 30*l.* for each of the votes of the commoners; and that it would be given to him, and that he would have his share of it, if, by dividing it amongst them, he could influence their votes. He says that he desired to have some further advice upon the matter, and he says that some person whom he said he would consult on the subject had said that it would be dangerous for a person in his position to have anything to do with such a matter. Accordingly, he says, that though subsequently pressed by Mrs. Boyton, he declined to have anything to do with the matter. Now, as to that story, the other part of it is denied by Mrs. Boyton; it is denied also by Mr. Boyton, who is represented as having been present at the greater part of the conversation; and having regard to the demeanour and manner of this man on the table, and his own readiness, even according to his own account of the matter, to have undertaken the task in the first instance, his only objection being the danger that might have thereby resulted to his tenure of office, and also to the fact of the offers which he made of a sale of a horse for 70*l.* I am unable to act on his evidence as against the evidence of the other two parties.

Now, with respect to the hiring of the house, this case appears to me to stand in identically the same position, if it be not even a stronger case in itself, than the cases against Mr. O'Beirne. It is identically of the same nature. There is this fortunate difference between them, that in this case it seems to have been wholly done by the agent, and that there was no present intervention of Mr. Munster. And on that ground I am obliged to hold that Mr. Munster has committed bribery by his agents, and especially by Mr. Patrick Laffan.

The costs will follow the event with respect to each of these petitions. That is, in the case in which the petitioner succeeds, the petitioner is to get the costs; where the petition fails, the opposite party gets the costs.

Mr. Hemphill, Q. C., stated that it would be necessary to have an indemnity from his Lordship for witnesses in certain cases.

Mr. Baron Fitzgerald.] I must report in each particular case the name of the briber. I must report Pat Laffan and Simon Tracey. I think Conyngham gave a substantially fair account of the transaction.

Mr. Carton.] I was about to apply for a certificate for him.

Mr. Baron Fitzgerald.] Give the names of the parties on behalf of whom you apply for certificates to the registrar.

Mr. Hemphill.] Your Lordship did not refer to the retainers.

Mr. Baron Fitzgerald.] I am very much obliged to you for reminding me of them; that was a part of the case which presented the greatest difficulty to my mind. Whatever Mr. Munster may have intended, even on his own view of it, the best that can be said of it

it is, that it was an attempt to do wrong by way of getting at the right; but as it was carried out there could not have been a more mean and despicable attempt to entrap voters. My first impression, I acknowledge, was, that it was bribery, which would of course have been attended with some serious effects to Mr. Munster, whatever he may have intended; but, on consideration, I am inclined to think that the object before the mind of the party in order to his being bribed must be either the abstaining from voting or the giving of the vote; and though that was the thing in the mind of the person giving these considerations or retainers, that will not make it an inducement to the other party, unless the same thing was before the mind of that party also. I am not able, therefore, to say that the giving of those retainers was bribery.

Cashel.

HASTINGS ELECTION.

JUDGMENT delivered by Mr. Justice *Blackburn*, 17 April 1869.

Hastings.

Mr. Justice *Blackburn*.] I THINK I need not take further time to consider in this case, but will proceed at once to express what is my opinion upon the facts and the law bearing upon it. There are two petitions here, one against Mr. North, and one against Mr. Brassey, the two Members; in fact the two petitions might have been one, for really all the evidence has borne upon both. Each of the Members against whom these petitions are presented has been returned by a majority of the electors, and in this particular case a large majority having voted for him. But, nevertheless, if that return was shown to have been obtained by corrupt practices of any kind, either by the Members themselves or by their agents, that return would be void, and there would require to be a fresh election.

The petition, in each case, charges that there have been corrupt practices by the sitting Members and their agents. I may first of all say, with respect to what may be called personal corruption by the sitting Members, that as far as regards Mr. North there never was any charge at all. There was one instance mentioned by Mr. Giffard in his opening speech, but, as far as I understood, before he had quite finished his speech he was corrected, and said that he had made a mistake. Certainly, as far as Mr. North is concerned, there never was any attempt to prove any case of personal corruption against him.

With regard to Mr. Brassey it was not quite the same, because, although there was no charge against him of doing anything individually, and with his own hand, there were charges made which were very proper indeed to be inquired into, of Mrs. Brassey having been guilty of corrupting under circumstances in which, if it had been proved that she was guilty of corruption, it would certainly have been very probable indeed that Mr. Brassey would have been personally knowing of and consenting to it. The consequence was that, as far as he was concerned, there was a charge against him personally to this extent, that what Mrs. Brassey did he must have known about; and as far as Mrs. Brassey was concerned, there could be no doubt that she was an agent of Mr. Brassey; and probably from the mode in which the election was conducted, and the manner in which that lady canvassed, she would have been an agent for Mr. North also (although it is not necessary to decide that) if it had been made out that she had been guilty of any corrupt practice herself in the course of the election. Now, as to that there was undoubtedly evidence on the part of the petitioners which required an answer, though part of it was scarcely more than requiring an answer. There is no doubt that Mrs. Brassey did canvass actively in this election. As the law stands at present women are not permitted to sit as Members of Parliament, or to vote, but there is no law whatever rendering it illegal for a lady to canvass or to take any part in an election, if she so pleases. I think myself, as a matter of my own taste, and my own private desire, I should say that ladies had better keep altogether out of what is at best rather indelicate and dirty work, especially, as whatever they are doing is liable to misconstruction, as apparently in this case there has been, in some instances, misconstruction. Mrs. Brassey, however, did engage in the election actively; she did canvass, and three individual and specific instances were brought forward, in which it was alleged that she had carried it so far as to commit bribery. In one instance, when one compares the evidence on both sides, there was no dispute whatever as to the facts; Mrs. Brassey did go, latish in the day, on the election day, when canvassing was no longer of any use, as there was already a very large majority for the sitting Members, to the fish market, and there did canvass one or two fishermen. A witness, who was called for the petitioners, hearing that she was there, ran with a very natural curiosity to see her, and he saw her go up to one of the fishermen and ask for his vote; that she agrees she did do; he says he saw her when she came up touch the fisherman's hand. Mrs. Brassey says she is under the impression that she did not touch anybody's hand, but that she might have done so; she may, for ought that she can say to the contrary, but she thinks not, have shaken hands with the voter. The probability is that she did shake hands, and from that the witness drew the rather hasty conclusion that when she touched the voter's hand it must necessarily have been to put some money into it; a conclusion

Hastings.

which certainly I do not think it would have been legitimate for me to act upon, even if Mrs. Brassey had not been called and totally denied it. It was one of the instances, which I was pointing out, in which there is such liability to misconstruction in what is done as to make me think that ladies had better keep out of election matters altogether.

Then, in the same way there was another case where Mrs. Brassey had twice called upon a particular voter, who was out. The second time, according to the account of herself, and a gentleman who was with her, she left a card, which I dare say the voter would hardly understand when he saw it, and for the purpose of leaving the card a reticule was handed up to her, as she was standing at the top of the stairs, that she might get the card out of it. That is the account given by Mrs. Brassey. A witness, who was called by the petitioners, says that he saw her go up, and he drew the conclusion that she was leaving a parcel there; that was rather a hasty conclusion to draw. But if she left a parcel there, it necessarily must have contained certainly a bribe. Had there been a parcel left, I think I should probably have been driven to that conclusion. There, again, I do not see any reason to doubt that both parties are speaking the truth. The witness, who says he saw it, drawing the conclusion, which I dare say a man in his position would draw, that something more than a card was left.

Then there comes another case, where, undoubtedly, if the facts stated on behalf of the petitioners are true, there must have been an instance of bribery. I mean the case where Mrs. Brassey is asserted to have gone into Mrs. Standen's public-house, and there to have given Mrs. Standen three or four sovereigns, a couple of orders for coals and blankets, and things of that sort, and then come out. No doubt if that had been so, the conclusion must have been come to at once that it was done for a bribe. Upon that there were two men called, who swore positively to seeing Mrs. Brassey go into that place; and one of them to witnessing, through the window in the door, her giving the money, and being able to hear what took place at the time. On the other hand, Mrs. Standen swears that nothing of the sort ever took place; that nobody gave her money, or anything of the sort, and that it was all untrue; and Mrs. Brassey, who, of course, could not say what took place when she was not there, says she was never there at all. It is no business of mine, where there is a conflict of evidence of this kind, which may, for anything I know, come judicially before some other judge at some other time, to go further than my duty requires me. It is quite sufficient for this case to say, without meaning thereby to express more than just what I do say, that upon such testimony no person whatever, no jury, no judge, could find that bribery had actually taken place, or could act upon that evidence. It is not necessary to go any further, but it is sufficient to say that; nor did Mr. Giffard in any way desire or say that anyone should go any further than that.

The consequence is that, as far as regards these charges that were made of direct bribery by the hands of Mrs. Brassey, the case completely fails, and I must treat them as not existing at all.

One thing further was glanced at, which Mr. Giffard did not rely upon in his reply, namely, that it was shown that Mrs. and Mr. Brassey had bills with the tradesmen, and spent a very considerable sum of money in the town; and it was said, as part of the petitioners' case, that that expenditure had been increased, and was the more lavish, because the election was coming on; in short, that there was lavish household expenditure, with a view of influencing the election, with the same intention and in the same way as would, if it had been an expenditure of meat and drink to influence the election, have come within the definition of treating. But there is no law yet which says that any lavish expenditure in a neighbourhood, with a view of gaining influence in the neighbourhood and influencing an election, is illegal at all. In order to constitute anything which would be a corrupt practice in respect of expenditure of that sort, it must be made with a view of influencing a particular vote. If such an expenditure is made at a place with a tacit understanding of this kind, I will incur bills, and spend my money with you if you will vote for me, that being not the side on which you intended to vote, if it is intended to produce that effect upon the vote, it amounts to bribery. In the present case there is nothing to show that in either of the cases there was such an understanding, or such an arrangement made. In fact, the first tradesman who was called, whose bill was one of the largest, refused to vote at all, on what was very probably a very judicious opinion of his that he had better keep friends with both sides. The expenditure there, certainly had no influence upon him. I think in none of the other cases was there any attempt made to show that there was such an arrangement, or such a holding forth, that the custom was given for the purpose of procuring the vote of the man as would make it a case of bribery. Whether or not the expenditure was more lavish than it would otherwise have been is no matter for me to inquire into, because that would not affect the election if it was made out.

I now must pass from these, which I have mentioned first, and which really do not in any way, as the evidence has turned out, occasion any difficulty in deciding the case, and come to what are much more difficult questions to determine, to which Mr. Giffard has almost entirely confined his very able reply. Mr. Giffard himself has gone, and therefore I may speak more freely in saying that he urged upon me the points which had previously occurred to my own mind, and occasioned me most doubt. I must say that he produced some effect upon my mind by what he was saying, and made me hesitate a little with regard to the views which I took upon some of the points as to whether he had not shown that there was more force in the view that he took on his side than I had other-

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wise thought. But still I must state the conclusion I have come to, and the best opinion I can form upon what I find the facts to be. I think, as far as regards the law, every one would agree with all that Mr. Giffard stated as being the law. The inference of fact is that which occasions the difficulty.

Now, first of all I must take the cases of treating. What are the cases of treating? I will consider, first, the cases of treating and the registration taken together. There is no doubt, as the law now stands, the Corrupt Practices Act has made it perfectly clear that wherever any money or valuable consideration is given to influence a vote, that is bribery; and that if it be done by the candidate, or the candidate's agent, it would, when shown, avoid the election. It appears here (I do not think the facts are now in dispute at all in this matter) that there was a registration association or committee who had subscriptions given to them for attending to the registration. There is no doubt whatever that the intention was to get upon the register such persons as should vote for their party. The very object of what the registration association was to do, was to get upon the register people who would vote for the Liberals afterwards; and, no doubt, what they did was with the motive of increasing the strength of the Liberal party, and of course with the expectation that those Liberal voters whom they got upon the register would vote at the forthcoming election upon the Liberal side. That was, no doubt, their view. Immediately after this the candidate came into the field, and their first resolution was that the Liberal Registration Association committee should be their committee. It would not have mattered even without that when it appeared that the same individuals who formed the registration committee were acting as their agents. Even without that resolution it would follow that they were their agents, and inasmuch as the Parliamentary law has long established that where an agent is guilty of corruption it is not necessary to show that it was with the knowledge and consent of the candidate, nor to show that the money was produced by the candidate, but that corruption by an agent, though done with his own money, or with anybody else's money, would avoid the election, it follows at once, as it seems to me, and I wish to state that clearly, that their calling themselves the registration committee, and applying the money that was subscribed by people for the registration to a corrupt act, would not prevent that corrupt act unseating the Member, if it were proved. The question, therefore, I take it, as regards what the registration committee did, is this: is what they did a corrupt practice within the Act? If so, it would unseat the Members, for they were agents for the Members.

Now, there is not much dispute as to the fact of what was done at the time of the registration by the registration committee. The persons who attended at the revising barrister's court, not necessarily as witnesses, but either to support their votes or to support their claims, would probably lose their day's work by attending at the court. Those who had work very close to where the revising barrister held his court might perhaps be able to attend there without leaving their work, but a great number of persons who made claims would lose a day's work by attending at the court, and if they had to attend more than one day they would lose more than one day's work. What the registration committee say they did was this: part of the expense of the registration committee was caused by their paying those who so lost their work upon an estimate of what they would otherwise have made; so that they should be no losers by coming to put themselves upon the register. They assert that they did only that, and that they did not give anything which would enable a man to make a gain. Now, I wish to point out distinctly how in my mind that question comes to be a question of fact. I take it that the law has never yet said that to pay a person any money, or to assist him in any way in being put on the register, should be an offence at all. To give any money or any valuable consideration for the purpose of inducing a person to vote is a corrupt practice, and is made an offence; consequently, wherever it appears that under colour of paying people to get put upon the register, or assisting them to get put upon the register, a payment is made which is really intended to influence the vote at the ensuing election, that would be a corrupt practice, and the question in each case for those who have to determine the question must be, whether or not those payments that were made, were made with the intention to influence the vote at the election or not, because, if they were, they were bribes. It is clear that as the law is framed and as the Statute is worded to pay a person for coming to vote, giving him his day's wages or making up to him his loss of time, for the purpose of voting at the time of the election, would be a bribe. The words of the Act are clear, beyond all question, upon that point. But no such enactment says that paying a man for coming to the registration for the purpose of supporting his claim to vote is to be in itself considered as a bribe. Consequently one must see whether it is in effect a payment for the sake of the vote. That must be always, more or less, a question of evidence, upon which the person who has to decide it must draw his inference, and what, it seemed to me, are the important elements for consideration in drawing the inference, are, first, whether the payments were really and truly made contemporaneously with the registration; that is one great thing. Another great thing is, whether they were really intended to be merely a remuneration for what the man who was paid was out of pocket, so that he should be no loser; or, whether the intention was to give him a profit. I had occasion, in the election inquiry at Taunton, to consider a matter of this kind, the evidence being that some time after the registration, when the election was coming very near, a general notice was given that everybody who had been at the registration court might have a payment of 5s. for the day's loss of time, and that

Hastings.

was carried out by giving 5s. to all who came to ask for it without any further inquiry than whether he was upon that side. I came to the conclusion that that payment was intended to influence the election, and was therefore bribery, and accordingly unseated the Member. But where the case turns out to be, as it is at present, upon the evidence that the money was paid contemporaneously with the registration; that no more was paid than the voters were out of pocket; and that precautions were taken to see that no more than that was paid, I do not think that that inference would be proper to be drawn.

Now, in the present case, Mr. Giffard urged in his reply that it was not proved that precautions were taken to see that the payment was confined to what the voters were out of pocket. No doubt it was not proved in this sense; there was not a minute inquiry upon it, and there was no attempt made to show in each individual case where men were paid that they were persons who had attended the registration court. But each of the persons connected with the registration who were called who knew anything about it, Mr. Langridge and Mr. Poole; and I think there was another called whose name I forget; all swore positively, in general terms, that they did intend it to be confined to them, and that the desire of the people who supplied the money was that it should be confined to them, and they believed that it was confined to them. Certainly no evidence has been given to show the contrary. The consequence is that, as far as regards these payments for attending at the registration court, I cannot see that I am to draw the conclusion that they were bribes, and consequently I cannot see that this would upset the election.

I wish to guard myself in case of other times from being misunderstood in any way to say that payments made in that way for a registration, especially when the registration is coming so closely before the election, are not in themselves very suspicious things, and that such payments, with very little added, a very little more than there is now, might not justify the conclusion that they were intended to influence the election. All I say is, that in the present case I do not think they were so intended; consequently, as regards those payments, I do not think the petitioners have made out a case of bribery.

The next thing we have to consider is, that at the same time that these payments were made there were refreshments given. Meat and drink were given at Gallop's house. We have distinct evidence that at the same time that the men were paid refreshments were given to the voters. I think that the probability is, that there might be similar things in other places, though we have not distinct evidence of it.

Now comes the question, Is that treating? The definition of treating given by the Corrupt Practices Act is this, that where a candidate (and where a candidate acts by agents, his agents are the same thing for this purpose as the candidate himself) gives meat or drink with the intention to influence the election or to influence a vote at the election, that is to be considered as corrupt treating. Here meat and drink undoubtedly were given at the time of the registration. As I have already said, I consider the registration committee, who were the same individuals as formed the committee of the sitting Members, as being the sitting Members' committee. The question comes to be, was that meat and drink given with the intention to influence the election. There, again, in considering the question whether there was the intention which makes treating corrupt treating, which makes the giving of meat, drink, and refreshments gratis corrupt, if it be done with that intent, which would make it a corrupt practice, it always comes to be a matter of very great importance, though not conclusive, to see the time when it was done, the extent to which it was done, and the manner in which it was done. I think, as far as the evidence goes here, the giving of those refreshments, which were shown to have been paid for by the registration committee, is distinguished from any other case, as far as I can perceive, in that it was confined to the time when the revising barrister was actually sitting. In Gallop's case, where we had the most distinct evidence about it, it appears that they were entirely given at that time. I think it amounts to this: that on each occasion when the men who were to be paid (they were paid in two batches at Gallop's house, Langridge paying for some) came to be paid, there was some refreshment and beer given also at the same time, Mr. Langridge paying for his portion at the time, but Mr. Poole afterwards dividing Gallop's bill, as to which several remarks were made, and to which I will allude presently. It appears that those refreshments were given exclusively at that time. Taking that view of the matter, although I think it was a very foolish and unwise thing to do, it seems to me to come nearly in the same category as the payment of the men for coming to support their claims. If there was any reason to believe that it was done not merely for that purpose, but to procure popularity, or to influence a vote at the election, it would be treating. But if it was merely meant and intended to be part of their coming to support their claims, and not at all to influence the election itself, it would not be corrupt treating. I think being of no very great extent, for extent and quantity are very material elements in the consideration, and being confined, as far as I can perceive in the evidence, to the time of the registration, I should draw the inference that it was not intended to influence the votes.

There was this circumstance, undoubtedly, which Mr. Giffard argued upon with great force, namely, that Gallop made out his whole bill and sent it in to Mr. Poole, the election agent. He made out the bill for everything, including these disbursements of refreshments to Mr. North and to Mr. Brassey. He evidently, when he took the order that he was to give those refreshments, thought that the two candidates were to pay for them. When the bill was sent in Mr. Poole changed it. He and his son, for that is I believe the

the effect of the evidence, said, "No; this portion of the bill which relates to the refreshments cannot be paid by Mr. North and Mr. Brassey; it must be charged to the registration committee." It was accordingly charged to the registration committee, and it was paid. I do not think that the merely making an alteration in the mode in which the bill was made out and paid, would at all have saved them from the consequences, if it had been intended to influence the votes at the election. If it was meant as a means of procuring popularity, and influencing the election, or influencing a vote, it would have been treating, and no after mode of changing the way in which it was to be paid would have affected that at all. Mr. Giffard's argument, however, is that the fact of its being so made out at the time, and all put down at the time to Mr. North and Mr. Brassey, and an attempt made to obtain the payment of the whole from them, shows that at the time it was intended as an election expense. And, no doubt, if the money had been intended to be advanced by the two sitting Members at the time, it would be a strong ground, though it is not conclusive, for saying that that must have been intended to be for their benefit at the election, and to produce the effect, the intention to produce which would constitute treating. But I think that that, although a plausible argument, is by no means conclusive, and coupling it with the fact that, so far as this evidence goes, this giving of refreshments was confined exclusively to the time of the registration (for I find no evidence that any portion of these payments extended to any time after the registration), I do not think I should be justified in drawing the conclusion that it was done with a corrupt intention of influencing the election.

Now we come to one more head upon which the facts are scarcely in dispute at all. During the time when the contest was raging, it happened this year that the municipal elections fell but a very little while before the Parliamentary elections came on, and as might naturally be expected, there being a contest for the Parliamentary representation of the borough, those who stood in the municipal elections on the Liberal side, were active partisans of Mr. North and Mr. Brassey, and at least one of them, Mr. Poole, and probably others also, were agents for the sitting Members in conducting the election. It is not disputed or denied at all, in point of fact, that when they stood as candidates for the municipal election, they had given refreshments to the municipal electors, who would be the same class, and indeed the same individuals, as the Parliamentary electors; but they say they did it with the intention of influencing the municipal election, and that only. Now, on the same reasoning as I used before with regard to the registration, if the object and intention in their minds, when they gave those refreshments was to influence the Parliamentary election also, that would be treating, although it might be done with the object at the same time of influencing the municipal election. Here again it comes to be a question of fact. In trying to draw a conclusion as to what the intention was, it becomes very important to see what was the quantity, and the scale upon which this was done, and what was the time when it was done, in order to see whether it really was intended for more than the wrong and improper practice which generally prevails at municipal elections; and whether or not it was intended to go further, and influence the Parliamentary election, which was just about to come on.

There are cases undoubtedly. Beverley was mentioned as one, and I believe the facts proved it, in which large payments are made to voters at the municipal elections that they may become members of the Yellow or the Blue party, as it may be called, the intention being that the Yellow or the Blue party shall stick together at the Parliamentary election; they will be paid nothing there; but they are generally paid largely at the municipal elections, that they may be in the party and vote at the Parliamentary election. In such cases the real motive and intention of the persons who supply the money is to win the Parliamentary election. Wherever that is proved, of course there can be no doubt that it would be bribery, and perhaps it could scarcely ever be carried out in such a case without its being bribery, to such an extent as to make it a very proper question for Parliament to inquire whether the borough should be disfranchised or not. But without coming to that, it may very well happen that the municipal electors, being of the same class as the Parliamentary electors, advantage is taken of the opportunity of the municipal election, and under the colour of that, under the pretence of treating for the municipal election, there is money advanced for refreshments, in order to produce an effect upon the minds of the parties when they come to vote at the Parliamentary election.

Now, in looking at that, and seeing whether or not there is that intention, it becomes a most important element to see when it was done. In the present case, the municipal elections having come so very nearly at the same time as the Parliamentary elections, of course anything that was done at the municipal elections must have been near enough to the Parliamentary elections to produce an effect upon it. But there is a great importance in the time and place at which it was done, as evidence tending to make one think that it was done with the intention to influence the Parliamentary election. I had a similar thing in a case which was before me, where an active agent having been elected an alderman at a contested municipal election, afterwards gave refreshments in gratitude, as he said, to his supporters, but unluckily chose, as the place to give them, a public-house where the candidates had held a meeting, and chose as the time to give them just the time when the candidates came out. It was not necessary to decide that point there, because there were other things which upset the election, and vacated the seat, and I had not to make up my mind upon this question; but I mention the case as an instance of what I mean when I say that the time and place are very important. The time and place there made me very much think that I should be obliged to come to the

Hastings.

the conclusion, if it should be really necessary to decide it, that there was an intention in that case to produce an effect upon the Parliamentary election.

Here I have to see what were the time, the place, and the extent to which the treating, which has been proved at the municipal election, took place, in order to see whether it would really be intended to affect the Parliamentary election or not. As far as I make out, I think the principal evidence obtained of that was from Mr. Poole, who did not seem to me upon that point at all to wish to keep back anything. When he was asked about it he mentioned several things which had not been proved, and named several public-houses at which during the municipal election refreshments had been given (punch, I think he said), as it was customary to do upon the occasion of their being elected. Now all this took place exactly on the day of the municipal election. As far as the evidence went, none seems to have been given afterwards; and although there is no doubt of this refreshment being given to some persons who would ultimately be Parliamentary electors, and it would be likely enough that the popularity acquired might continue for a fortnight, so that a portion of it would influence the Parliamentary election afterwards, yet, looking to the question, not whether or no it may have produced that effect, but whether or no it was the intention to do so, it seems to me that there was no intention at the time which would make it corrupt; and I cannot come to that conclusion in the present case. If I found that it was continued after the municipal elections were over, if I found that the quantity of refreshment given was in excess of what it seems to have been at other times, or if I found that the place where it was done was such as to show that it was intended to produce an influence upon the election of Members of Parliament, all those things would be material to show me the intention. But in this present case I cannot find that there was anything done beyond what had been done in ordinary municipal elections, when no Parliamentary election was coming. It was done on the day of the municipal election, and only on that day; and therefore although it was certainly a matter to be inquired into and considered, I do not think that a corrupt intention has been made out.

These are the cases which require most explanation, in order to make the grounds on which I proceed intelligible. We come now to other matters, on which the question is more one of fact than of law, and does not require so much explanation. First of all, there is the evidence of the treating which is alleged to have taken place on the polling-day. The evidence for the petitioners showed this, that on the polling-day several public-houses, particularly the "Pelham Arms" and the "York Hotel," were all filled, and that there was a great deal of drinking going on, and several witnesses who were called proved that when they went into those public-houses they paid but little. I think the evidence showed that they paid for a pint or so for themselves, but after that they got a great deal of drink which they did not pay for at all; I think that that much was clearly enough made out. Most of them were asked the question whether they saw anybody pay for it; and I think that most of them said that they did not see it paid for. No doubt, therefore, the effect of what they saw would have been to lead to the conclusion that there had been established by somebody a score at the public-houses, upon which the landlords of those houses were to let people have drink gratis when they came in. If that had been so, there could have been small doubt that the person who did so establish a score was intending to influence the election; and if it were shown that that person was an agent for the sitting Members, no doubt there would have been a case of treating clearly enough made out to avoid the election.

But other witnesses were called besides Mr. Poole, who denied positively that there was anything of the sort, and who certainly must have stretched their evidence considerably beyond what could possibly be called the truth in any way, if there really are outstanding bills which have to be paid. If there are any such, and Mr. Brassey should hereafter be called upon to pay them, I think he will be well aware that there must have been tolerably distinct perjury here; and he himself has sworn that he knows of none such, and that he does not intend to pay them. Under those circumstances, one can hardly suppose that there could be any bills of this sort which are intended to be paid. Then we had the innkeepers of both the "Pelham Arms" and the "York Hotel" called, and they most distinctly swore that to the best of their knowledge and belief there was no supply gratis; that there was nothing supplied by them; that all they furnished was paid for at the time, and Chandler's waiter comes and tells the same story. Chandler and his waiter did not quite agree in their story. This rather impressed me with the belief that it was by no means a got-up story that they were telling, because Chandler's account of how the waiter was to pay him was, I suppose, what in theory he thought the waiter ought to do; and the waiter's account of how he did it, of his putting the money in the till, was, I take it, what really in practice he did. Therefore it rather led me to the conclusion that they had not been getting up the case together. The discrepancy between Chandler and the waiter rather impressed me with the belief I am now having honest witnesses who are telling the truth. Their evidence was perfectly inconsistent with anything like a score being established; but their evidence, and also what the other witnesses said, is certainly quite consistent with this, that people came in and treated the company round. I think, to some extent, that would be done at a time of election excitement; people, without being agents of the candidates at all, are very likely, to some extent, to do that which it would be very foolish and unwise in them to do; and I think that all the evidence which has been produced as to what took place upon that day would be consistent with that being done.

Then comes a matter in connection with this on which Mr. Giffard made a very strong point

point in his reply; and I may fairly say that Mr. Giffard did make me feel that there was a great deal to be said there; he did make me pause and hesitate on this part of the case. There was a man of the name of Thomas Tutt, a member of the committee; there is no question about that. This Thomas Tutt is sworn by a man called Foster, when he was bringing him to the poll, to have said to him, in substance, this: Foster asked for allowances for drink, and Tutt made answer to him, "I could not do that; it would be bribery." But, at the same time, said to him, "You may drink, and afterwards, when it is all over, you shall be paid." Now, that Thomas Tutt might have denied if it had not been true; and Thomas Tutt, although undoubtedly on the respondent's side, is not called. I think the reasonable conclusion is, that the substance of that did take place, and that something to that effect was said by Thomas Tutt to the man Foster, and that Foster accordingly did spend 10s. (he said that was the amount) in getting drink for himself and for others; and that afterwards, when he brought in his account for this 10s., and demanded payment for it, he was very properly refused payment by Mr. Poole. It is quite obvious that if there had been any payment made by the sitting Members or by their agent of 10s. spent in that way, it would have proved treating to the extent of 10s., and have led to the natural inference that there had been a great deal more of it.

Then comes the question whether, that being so, upon that alone there is not made out a case of treating by Tutt, who was an agent of the sitting Members, to such an extent, that although it was only 10s. that was paid, and although it was only in one instance, that is or is not a corrupt practice which ought to upset the election. There I have felt a great deal of force in what Mr. Giffard said, and I have paused and hesitated upon it a good deal. It is established by Parliamentary law that a Member is responsible for his agents in these cases; and, although what constitutes an agent is very ill defined, yet still it is a question which it is important to consider, and one must see what an agent is. I have frequently had it in my mind that there is a great difficulty, in strict logic, in making the agency of a person dependant upon the extent of the corrupt practices committed by him. It does seem that, in strict logic, if a man would be an agent if he was shown to have corrupted 100 people by paying them 5*l.* a piece, then, if he corrupts only a single man by giving him a single glass of beer, he ought to be regarded as an agent equally. There is no doubt that in strict logical language you will find a difficulty in making the distinction, yet I cannot but feel that, in administering justice and in administering the law in such a way that it would be tolerable, one must make some distinction of that sort. There is the same thing that constitutes the man an agent in the one case present also in the other case; but I cannot but feel that where the case is a small, isolated, solitary case, it requires much more evidence to satisfy one of agency than would otherwise be necessary. If a small thing is done by a person who is the head agent; for instance, in this case, if a very trifling thing had been done by Mr. Poole, who is the agent for the election expenses, I think that would have upset the election; and if small things to a considerable extent were done by a subordinate person, comparatively slight evidence of agency would probably have induced one to find that he was an agent; but when you come to a case of this sort, where there is the single case of Thomas Tutt having told a man, when he was inducing him to go to the poll, that he would be paid afterwards for what he might spend in drink, to make that single case upset the election would require considerable evidence of agency; and I do not find that there would be strong enough evidence of agency here to make one act upon that one single case.

Mr. Giffard argued, with great force, that if treating were proved in this particular case, it is a fair and reasonable inference that that would account for a great many others of a similar kind, and that, consequently, I ought to act upon it. I accede to that; and if I felt at all that there was any ground for believing, upon the whole of the evidence taken together, that there was a mode of procuring treating at the "Pelham Arms" and elsewhere by sending in a variety of people, each of whom was to treat upon a small scale, I should probably say that I thought that was an instance of it, and that this would be evidence to prove it; but if such a thing existed, I cannot but feel that there would be some more evidence of it. What Mr. Giffard said is very true, that there is this great difficulty in these cases, that the parties who are guilty of being bribed and those who are guilty of bribing are together, and therefore there is great difficulty in getting evidence in cases of bribery; but that does not apply so much to cases of treating. Treating from its very nature must be done openly, and in such a way that a great number of people may see it. It is almost impossible to have treating so carried on that the opposite side may not see it, and there are generally a considerable number of neutral persons who attend where treating is going on from the mere love of drink and beer, without regard very much to what politics they are of, and who are willing to tell about it afterwards. Consequently if there had been any regular system, of which this case with regard to what Tutt said was a single instance that cropped out, I cannot but think that we should have had more evidence of it. Taking that view of it, I think I cannot act upon the evidence of the agency of Tutt, though it is evidence of agency which might have induced me to act if there had been anything tending to show a general system, rather than, as it is, an individual case.

Now I pass on to one or two other cases which have not been much dwelt upon, and with respect to which I need not say so much. There is the case of Mr. Langridge and the Beans. What Mr. Langridge is accused of having done is this; it is said that he went down to Bean who he knew was pledged to the other side, and that he left a message with his wife to say that he could give Bean a job the next day. Mr. Langridge does not deny that he did that at all; Mrs. Bean goes on to say that he further stated to her, that if

Hastings.

Bean went down to the "Dorset Arms," he would get 4 s. for his vote. If Bean had gone to the "Dorset Arms" and got 4 s. at that time, I should have thought at once that it showed that that 4 s. was intended to be a bribe. It would have thrown very great light upon the other transactions, and have been strong evidence to show that the other sums that were paid as far back as the time of the registration were intended to be bribes also. But Mr. Langridge totally denied that he said this, and certainly the Beans did not go to try the experiment, and to get the 4 s. I think I cannot act upon the view that Mr. Langridge spoke falsely, and that Mrs. Bean spoke truly. There were also some slight discrepancies as to whether or not Mr. Langridge came again in the evening alone, and saw Bean in the road. Mr. Langridge's account is that he met Bean as he was coming along. I think he said that he saw Bean standing talking in the road. Bean's account is that a man called Elliott had come into his house and summoned him out, saying that Mr. Langridge wished to speak to him. Elliott has not been called. Both stories may be true. It is enough to suppose that Elliott seeing Mr. Langridge coming along, went into Bean's house and told him to step out, without supposing that there was any real discrepancy there. There is no doubt of this, for both sides agree that Mr. Langridge told Bean that he could now give him a job, that he wanted him to assist in filling a drain, and that he might begin it to-morrow if he liked. There is some slight difference here again between the two accounts. Bean says that at that time there was language used by Mr. Langridge which would come in effect to his asking whether he would go down in the waggon with him, and coupling that with the rest of what passed, it would certainly amount in effect to his saying, "You can have this job, though I do not say that I employ you for the sake of your vote, yet you will understand well enough that you are to vote on my side"; clearly Bean so understood it, for Bean said that he did not know, he would see about it; and apparently coming to the conclusion that it was meant that he was not to have the job unless he gave a vote on Mr. Langridge's side, and having resolved not to change his colours, and not to vote on that side, he did not go for the job, and accordingly voted for the two Tories, as he had originally pledged himself to do, and did not ask for the job at all. Now comes the question: Was this really intended as an offer to him to induce him to desert his colours and vote upon the other side? Mr. Langridge says "No," he says that he really did want the drain filled up, that he had really wanted labour; that this man had previously asked him if he could give him some employment, and knowing that he was out of work, he told him that there was this work which he could give him, and it was not done with the view of influencing his vote at all. Now, if after he had voted, Bean had come and asked for the job and had been refused, I should have had no doubt at all, that this offer of work had been made to him with the view of influencing his vote. If, on the other hand, Bean had come for the job, and had got the work given him, I should have come to the conclusion that it was not so intended. I have no doubt myself that Bean thought it was so intended, but Mr. Langridge says it was not. I cannot act upon that and say that there was an intention to bribe unless I were to lay down the rule that there must at an election always be exclusive dealing. I have always considered it a very wrong thing on the part of any one, on the ground of politics, to dismiss his men whom he had already in his employment because they were going to vote against him; that is made undue influence. It would also be very wrong to employ men in order to influence them to vote for you; and to lay down the rule that whenever a person really having a job in hand offers it to a man who is going to vote on the other side, although he says it was not intended to influence the man's vote, we are to draw the inference that it was, would be laying down the rule that during an election there must be exclusive dealing. I do not see how one possibly can act upon such a principle as that. I can only say here that it is not made out that in the case of Mr. Langridge it was intended to produce this effect, and consequently I think this case fails.

There was evidence given of a Mr. Upton having spoken to a man named Sargent about his giving him money. Upton and Sargent both denied that that took place. I cannot tell how the facts came to be sworn to.

I scarcely recollect any other cases that require mention. As to the cases of payments to voters at the Sluice by Wood, if it had been arranged beforehand that those men were to be paid for their loss of time, with a view to the election, it would have been bribery, whoever did it, and if that person was an agent of the sitting Members, it would have upset the election; but here the evidence comes to this, that they were paid half-crowns by a man named Wood, and the petitioners have failed totally to produce any evidence to show that it was anything more than a speculation of Wood's, he advancing the half-crowns, thinking that he might be repaid. There was no evidence to show anything more than that. That, therefore, must be passed by.

I do not think there is anything else that requires notice. There were one or two other cases, but they failed so obviously on the evidence, that I think there is no occasion to go through them. The consequence is, that I come to the conclusion that the case brought forward on the part of the petitioners has failed as against both the sitting Members. And that being so, I must certify to the Speaker that I have determined them both to have been duly elected, and I need not say, of course, that I shall certify that there was no corrupt practice brought home to the personal knowledge of either. I shall say also that there is no reason to believe that any general corrupt practices prevailed in the borough; of that there is no evidence. As in this case the petitioners have failed, and I see no reason to deviate from the ordinary rule, I must order that the costs be borne by the petitioners.

LIMERICK CITY ELECTION.

JUDGMENT delivered by Mr. Baron *Fitzgerald*, 25 January 1869.

Limerick City.

Mr. Baron *Fitzgerald*.] I HAVE considered the evidence in this case with all the attention that I could. I have attended to the very eloquent arguments that have been addressed to me; and I trust I have attended to both with a deep sense of that responsibility which the Legislature have thought fit to impose upon me. I am prepared now to express my determination upon the case, so far as is necessary for my certificate and report to the Speaker.

The petition seeks to void the last election for this city upon the grounds of bribery, of treating, and of undue influence upon the part of the sitting Members; and those corrupt practices are charged in the proper statutable words in the petition in the case of each of the three corrupt practices.

With reference to the cases of direct bribery, I think the counsel upon both sides have, in their able arguments, properly confined themselves to the three cases of Keane, Ahern, and Skeehan, and I shall confine myself, in the few observations which I shall make, to those three.

In Keane's case I have first considered what must be taken to be the admitted facts of the case. It is clear that two days before the election he had himself joined the canvassing party of Tait, who was contesting the election with the sitting Members, and he had actually called upon Macdonogh, a person in the employment of Tait, to join with him and them in that canvass; that was two days before the election, and that could not, according to the facts proved before me, have been earlier than the Monday. The day before the polling he had an interview with the Rev. Mr. Mahone, who was one of the clergymen of the parish in which he lived; and, in the course of that conversation, a promise was made to him with reference to an old claim, which it is also conceded that he had, or alleged that he had, against Mr. Russell and his agents for several years antecedently. In the course of that conversation a promise was made that if the debt were a proper one it should be paid, or it should be "right," or at all events a conversation took place from which the legitimate inference would be, that a promise was made that it should be paid. He, who had two days before canvassed, and who had admittedly this antecedent existing claim, upon the polling day votes for Messrs. Gavin and Russell, and against the party for whom on the two previous days he had been canvassing.

Now those are facts proved wholly independently of his testimony, and by proper legal evidence, excluding the question of agency, which the Statutes desire me to exclude.

Well then, it is proved also by the evidence of three men (if they can be credited), that upon two occasions, one almost contemporaneous with the giving of the vote, he had told Macdonogh, Fife, and Barry, that he would not have voted as he did vote unless the promise had been made; that is, unless his claim should be satisfied; or, at least, according to the evidence of Barry, that it would not be safe for him to vote against Russell, having regard to the old claim which existed. And, upon the second occasion, he said, in the presence both of Gardiner and Macdonogh, that he had the promise, and that he had actually been shown the money by which the old claim was to be paid.

Those are conceded facts in the case. Now I agree with Mr. O'Hagan in his argument, that the mere statement of an elector or a voter that he had been bribed at an election which is past ought not, and could not, under the late Statute, be relied upon as evidence against the sitting Members that a bribe had been given to the man who so alleged it. But I cannot agree that that argument applies to a case like this, in which what the man says is produced, not for the purpose of proving the fact of the promise made to him at all (which is proved, independently of his evidence, by the evidence of Mr. Malone himself), but for a purpose for which it is properly receivable as evidence against all the world, although it rests more or less upon what was passing in the man's own mind, which can only be known by inference.

Those were the facts; and I cannot but think that that was a case calling upon and requiring an explanation upon the part of the sitting Members, supposing the question of agency were established against the Rev. Mr. Malone. It is evidence of a corrupt act, but it is evidence of a corrupt act which may admit of explanation. And, before I enter at all into the question of agency, it is necessary for me to see whether, upon the evidence given before me, it is made out to my satisfaction as an act of bribery. The reasonable inference from those facts, and it appears to me the only reasonable inference, would be, that there was bribery within the meaning of the Statute.

But what are the facts established besides that, which I am bound to consider before I can come to the conclusion that the promise was made to this man in order to induce him to give his vote? I need not enter into the case of abstaining from voting.

The first evidence I must consider is this, that antecedently to the election, antecedent as far as I see, and as far as the recollection of Mr. Cronin goes, to the Monday, an application had been made to him by this man. Mr. Cronin says, that at the time when this application was made to him his own mind was wholly undecided as to the part

Limerick.

which he would take in the election. That is Cronin's own evidence; but it does not stop there, because the fact of his mind not being made up, he says, was actually communicated by him to the party who was applying to him. He says that, more than that, it was he who asked Cronin for whom he intended to vote, and that Cronin told him, in answer to that, that his own mind was decided. Now, what does Cronin say (if I can believe it), when he was informed that the man was so undecided as to his vote? It is (if Mr. Cronin is to be believed) that his own mind was made up to vote for the sitting Members, Gavin and Russell, though he had a cause of complaint against them. That is the evidence that Cronin gave of the transaction; he says, that his mind being still undecided up to that moment as to how he would vote, he was satisfied that Mr. Tait would not show his colours; he communicated with Father Malone, and stated the case to him, and that Father Malone seemed to think that it was a fair thing for the man to be paid, but that he expressed some doubt as to whether the demand was a genuine demand or not, and that he, upon that, communicated again with the man Keane, and a person of the name of Manahan who had been clerk of the solicitor for Mr. Russell at the previous election. He was communicated with, and Cronin and Manahan attended together upon Father Malone; and upon that conversation, after satisfying himself as far as he could of the justice of the demand, Father Malone said, that if it was so, it would be fair for him to be paid, or he might rest assured that he would be paid. Well, that being the state of the facts, if I believe Cronin, or pay any attention to the evidence of Father Malone, he thought that the election might be a more favourable time for making a claim than another. I disregard the fact which Father Malone positively deposes to, that in this he had no reference to the vote. He tells me that never throughout the whole course of the proceedings had he entertained a doubt as to the mode in which Keane would himself vote, Keane having actually told Cronin twice antecedently, that though he felt an injury had been done to him in respect to this demand, still his determination was to vote for Gavin and Russell.

Now this is the question which I have to consider upon the whole of the evidence taken with the facts which I have stated shortly; am I, or ought I to be satisfied beyond reasonable doubt in a case like this, that that promise was made by Father Malone in order to induce him to give his vote; for, unless I am satisfied of that, the inquiry into the question of agency becomes immaterial.

With reference to what after all is material as showing that the man's own mind might have been influenced to some extent or acted upon by the promise—that does appear to me important in all these questions, but it never can be conclusive—what I have to consider is, the purpose and intention with which the promise is given, and what was the actual effect produced upon the man's mind. All I can say is that, regarding this as a suspicious transaction, particularly with reference to the time at which it occurred, and to each and all of the circumstances of the case, satisfaction has not been produced on my mind that this was an act of bribery.

Well now, the next case is the case of Skeeahan. That, too, in many respects is a most remarkable case. This man is a publican residing in this town: it appears that he had been antecedently asked for his vote by a person of the name of O'Brien, and that he informed O'Brien that he had not made up his mind. It appears that one of the clergymen of this parish (I think Mr. Leahy) had, upon one occasion at least, actually communicated with him upon the subject of his vote, and that either he, or some other clergyman of the parish, had called upon him. His answer to Father Leahy was certainly a most remarkable one, and has been properly and ably commented upon by Mr. Murphy, and I indeed never listened to a more able argument than Mr. Murphy's in any case. The question was "are you tightened?" and that, coupled with the fact that he had intimated to O'Brien, when he canvassed him before, that his mind was not made up, is no doubt a very material matter in considering this case. Father Leahy subsequently goes into the polling room, and in the polling room, at the time, is the same O'Brien who had antecedently canvassed him for his vote, and Scanlan, the personation agent on the side of Tait and Pigott. He gives his vote, and either at the time of giving his vote, or some very short time after, the Rev. Mr. Scott is also in the booth. I am now speaking again, as in the other case, about facts as to which there is no controversy or dispute. The next thing is, that O'Brien, accompanied by the Rev. Mr. Scott, the clergyman of his parish, and the personation agent, Scanlan, go together to the house of this man, almost direct from the polling-booth. In the house and while they are still in the shop, the man asks whether he ought not to get an order as well as other people. Mr. Scott's answer is a singular one with reference to the knowledge which several of the other clergymen seemed to have had of its being the usual practice in elections and matters of this kind to give those orders. He said that he had no authority to give an order. The next thing that happened was, that he is asked by the man Skeeahan to go into the office which was off the shop, an office with a door to it; but as I understood the Rev. Mr. Scott's evidence, it was not wholly shut off from the shop, because it communicated from the counter behind. All that the Rev. Mr. Scott could remember of the conversation which then took place was, that he said he had some old brandy. What answer he gave to that or anything further that occurred, Mr. Scott does not remember. It is hard, one would say, to resist the species of inference that this intimation had some connection with a request for an order before. However, nothing, so far as it appears, passed between them in the office; and with that mysterious intimation they came out, and then some other conversation, the nature of which does not appear, took place with reference to the order, and it ends, according to Mr. Scott's evidence, by O'Brien and the person who had accompanied him and Skeeahan and Scanlan

Scanlan from the booth, asking him if he would be safe in giving an order. The answer which Mr. Scott gave was that he thought he would be safe. He says that in giving his answer what he had reference to was, the usual practice at elections of giving those orders, and, I presume, taking the chance of their being honoured. It is singular that this answer should come from Mr. Scott, who himself had refused to give the order because he had no authority; yet he so far encouraged O'Brien, at all events, to give an order, though he told me at the same time, when I asked the question, that he had not the slightest reason to believe that O'Brien had any authority, and he therefore, in his view, must have had precisely and identically the same reasons for refusing to give it. However, what follows after that is that they again retire from the room in which Mr. Scott is, who had declined to give the order because he had not authority, but who had told O'Brien, whom he did not know to have any authority, that he would be safe. They leave Father Scott, and go into the office, and the order is drawn up in the office. Now, unquestionably, this differs from the former case; and I must say, that though it is a case which, upon the face of it, does appear to me to require explanation, it differs from the other case in one important respect, that is, upon the law as to bribery. Here there is no evidence of an antecedent promise; in the other case there was evidence of an antecedent promise; that is, a promise given before the vote was given. Here the order is given afterwards, there being no evidence of any antecedent promise, or at least none that I can find in the case; besides which it is positively denied.

Now, that is one of the first cases in which the word "corrupt" enters into consideration. I shall have to say more about the word "corrupt" when I come to the cases of treating. As to this I am satisfied, that while in the former part of the second section of the Act reference is made to offers and promises so called, antecedently to the vote, the Legislature clearly intended the court to draw a *prima facie* reasonable inference from the act done as to the purpose for which it was done, leaving it to the other side to rebut that inference if they could. I think they intended something further than this, and that though a favour or promise bestowed after the vote was given might raise suspicion, if there were even a reasonable inference, of some such corrupt purpose as has been indicated by the enactment of the second section, yet if the inference was not so strong as to authorise the court to act upon that inference alone, without further evidence, whether direct or circumstantial, from which the purpose for which the thing was done could be drawn it was not to be acted upon. In my view of the matter, every forbidden act done for the purpose mentioned in the Act is to be regarded as done for a corrupt purpose; and once show that a forbidden act is done for the purpose mentioned in the Act, which, without reference to the act being forbidden is a purely innocent act, then it becomes a corrupt act the moment that it is shown to be done for the purpose indicated. But in some cases the act itself affords ground for reasonable inference of the intention with which the act is done, and there the Legislature has not introduced the word "corrupt." If the act be proved to be done, the court is allowed to draw from it the ordinary reasonable inference, *prima facie*, that it was done for the purpose which it indicates; and then corruption is made out.

But there are other cases in which, for some reason or another, as it appears to me, the Legislature thought the inference of intention or purpose was not so strong, and in those cases it introduces the word "corruptly," for the purpose of showing that it did not intend the ordinary inference of intention to be relied upon. This can easily and perfectly be illustrated. At law the malicious purpose is what constitutes murder, but homicide of itself raises the law of inference. Was there any such purpose? The moment homicide alone is proved the jury may infer from the homicide alone the malicious purpose. But if the Legislature had said that there must be express malice to constitute murder, the fact of homicide would be left still, as raising the presumption of malice at law, and would therefore be evidence materially bearing upon the question; but, unless the facts and circumstances made something out in addition, the crime of murder would not be committed. So here, where the Legislature has not introduced the word "corruptly," and the natural and reasonable inference from the act is that it was an act done for the purpose contemplated, the Legislature has treated it as corrupt, without mentioning anything more about it. In those cases in which it seems to have been intended that the court should not infer the purpose simply and solely from the act, it has introduced the word "corruptly." But the whole proof of corruption, as it appears to me, consists in showing that the forbidden act is done for a purpose not innocent according to the Act of Parliament. The Legislature shows there may be the giving of entertainment to voters on account of their voting; and, though that be in itself a forbidden act, it is not forbidden by the section as to corrupt practices; therefore, I think, it was in that case that they introduced the word "corruptly" for the purpose of showing that, beyond proving the fact of entertainment being given to voters, you must give evidence of the purpose. Therefore I am not at liberty to treat it as being sufficient evidence of itself to put the other party upon explanation.

Now, that being so, I am bound to construe this Act, in reference to the last line of the second section of the Act of Parliament, where the Legislature has introduced the word "corruptly." It appears to me that I must be satisfied, having reference to the antecedent sections, that this gift given after the election can, from the circumstances of the case, be shown to be the price of the vote. Here, again, the circumstances are strong evidence, and are very suspicious; but I cannot reject the evidence of the parties to it. O'Brien and Scanlan most positively denied it. One of the most suspicious circumstances is going immediately from the man's house to the polling booth. They say it was not for the purpose of accompanying him, but they went (and they are borne out in

Limerick.

this by the testimony of Mr. Scott himself) for a wholly different purpose, in that direction; that is, they went to look for the two other voters who lived there. Am I to reject that? Can I treat that as evidence which I can entirely disregard? Now I concur entirely in the observations made by Mr. Murphy, that if a gentleman having influence with the Roman Catholic clergy gave those orders, or authorised or told persons that it was safe to give them, and the orders were given, not one half hour, not one quarter of an hour elapses before it is known through the whole town in which it is recognised; and whether for the purpose of profit, or for the purpose of gain or for any other purpose, the system of orders will most assuredly follow. Therefore, what I have to deal with is this: is it for the corrupt purpose? The Rev. Mr. Scott swears positively that he never did give it for that purpose, that he never thought of such a thing; and Skehan says that he had voted; that he had not interested himself particularly about his vote at all; and that his asking for the order had merely reference to this acknowledged practice at elections. I confess I am unable to resist positive evidence upon oath of that kind coming from a quarter more particularly bound than any other (if one can be more bound than another) to speak what is the solemn truth. I cannot upon mere inference decide this to be bribery.

With reference to Ahern's case, the story I think is improbable in itself, and it is not satisfactorily contradicted; although to a certain extent, it is contradicted. The mere fact that a man going up to poll at that time should in the interval of a few minutes be met, almost in the same place, by three persons, one of whom offered 5*l.*, the other 10*l.*, and the third 15*l.*, would immediately suggest the inference that each of these three persons must have communicated with the others. But I think that is most improbable; and when I add to that the fact that one of these men had been an agent upon the opposite side and was present in the booth on that occasion, and when I couple that with the man's mode of giving his evidence upon the table, I could not satisfactorily to my own mind conclude that there was bribery in this case.

Now, coming to the conclusion to which I have come, that these acts of bribery have not been established, of course it renders unnecessary the consideration of the question of agency; but, considering the manner in which it has been discussed in this case, I think it right to guard myself as well as I can (not however attempting to decide anything upon the matter) against its being supposed that circumstances were not proved in this case deserving of the most serious consideration upon this question of agency, as it is called, under the Statute. And if, as Mr. Coffey said, this be essentially a Roman Catholic city, and if the influence of the Roman Catholic clergy be enormous; if, more than that, from the position of the great majority of the electors in the city, they naturally look to better educated men than themselves for the management of their temporal as well as spiritual affairs—if that be so, bearing in mind the organised condition of the Roman Catholic clergy, and the fact that in every parish in the town there are, at least, two or three clergymen so connected with the poorer class of voters, a question arises in which, as a body, this clergy are interested. If they make the cause of the candidate their own, and give him the benefit of having what may be equivalent in its effect upon the election to a committee-room conducted by themselves in every parish, they being the canvassers; and if it then turns out at the time of the election that the candidate represents his cause as identical with that of the clergy, and publicly gives out that the question between him and his adversaries is whether the clergy shall be put down or raised up, and is accompanied by them through the streets canvassing; if that be so, though the particular clergyman of the parish be not the party who accompanied the candidate in canvassing, I, for my part, will doubt long before I say that the candidate is not, so far as his sitting in Parliament is concerned, responsible for the acts of those parties in their several districts and parishes. I can determine nothing, but I say that is a matter upon which my mind is by no means satisfied; and if I were called upon to decide it at this moment, my impression would be decidedly different from that which is alleged by Mr. Coffey.

I now come to the cases of treating, and, for the purpose for which I view them they seem to me to be divisible into three distinct classes, each requiring a somewhat different consideration. No doubt Mr. Murphy (of whose argument I really can hardly say more than I have already said) has, for the interest of his client, argued that they could be mixed together, but it appears to me that, considering the case, I am bound to separate them.

I come first to what I should consider as the class which is relied upon, namely, cases of mixed bribery and treating; and those are, I believe the greater number of orders given by Lynch, and the two orders given by Punch. I leave out of consideration the order for Skehan; that belongs more properly to the order of bribery; for it was an order by which the man might be satisfied by taking the goods to himself and giving money.

The second class is what I should call the class of pure treating; those are the cases of Moloney and Manahan. It is impossible for me to regard either of those as cases of mixed bribery and treating in the way in which it has been propounded to me here; because, unless I entirely reject the evidence of Father Moloney and Mr. Manahan, it is utterly impossible to consider the orders as given for the benefit of the public, and it is in that way, as far as I understand it, that these cases were urged as cases of bribery; I mean bribery as distinct from treating. I therefore treat them by themselves. Then comes the last, and in my mind, the most serious class of cases, that is the cases of mixed bribery and intimidation (as they are called, and properly called I think) the hiring of mobs upon the part of persons in the interest of Mr. Russell, for the alleged purpose of putting down mobs upon the other side.

Well,

Well, now, with regard to the orders, the argument used is this: that except the two orders of Punch, all the orders which have been given are the orders of Lynch. I think there were 21 orders altogether spoken to in the course of the evidence. Taking out of those the three which again, if any reliance at all is to be placed on the evidence of Mr. Leahy, must be taken out of this class and put into those of mixed treating and intimidation, there would remain about 18, including those of Punch's, involving a sum of about 30*l.* in the whole. If these 17 or 18 orders were really given for the corrupt practices mentioned in the Act, namely, that of influencing votes and inducing men to vote, and for compensation for votes given, I find the greatest difficulty in understanding how they could be treated as satisfactory evidence of the purpose of bribing the public. I dwell more upon the number of them, because the sums, with the exception of those two of Punch's, were positively small, and were not given till after the poll had closed altogether, and all of them are given by Lynch. They were distributed, two of them to persons who had no wives and families; and one of them, at all events, to an unmarried female. There were seven publicans to whom they were given altogether; and one, at least, was given to a man who had no vote at all. I find the greatest difficulty in coming to the conclusion that these orders were given to bribe the public. I cannot act upon mere suspicion or tricks of the election. I must consider these cases with reference to the evidence. It did strike me unquestionably, from the first, from matters which Mr. Murphy has urged, that the beginning of the giving of these orders was the act of Mr. Leahy, who gave them, for the purpose of drinking, to this mob, hired by him, and under his directions. But he did give them. He could not, as it appears to me, have given them to such a man as Lynch or to such a man as Crow, knowing that orders of this kind are ordinarily given at an election without the certain anticipation of that fact being known to the clergymen. The publicans have given credit for every order afterwards given; but if I am to believe Father Leahy's evidence, that this is an account still due, he would unquestionably be responsible for the purposes as to which the orders had been applied by the men in whose hands he put them. They were acting in a matter in which he had given them an authority to do something, though a limited authority. Yet, if I come to the conclusion that Father Leahy, in giving these orders, was not actuated by any corrupt practice, either with reference to bribing or treating, unless they can go further, and make out that the parties who acted under him gave them for that purpose, there is no evidence before me that they were given for that purpose. It occurs to me that if these men were set upon encouraging this practice of bribing for the benefit of the wide world, the last thing they would attend to would be the interest of the parties for whom Mr. Leahy or any other party was interested. I am therefore without a rational ground for coming to the conclusion that the purpose for which these orders was given was the benefit to the publicans or any of the purposes indicated by the counsel for Mr. Russell.

Now, with respect to Moloney, I shall speak shortly upon those cases. How am I to come to the conclusion that the orders given by Mr. Moloney, improper as I conceive them to be; leading, as I think, to improper and wholly mischievous results; leading to enormous expense and enormous drinking, at least, upon this occasion—were given for the purpose of affecting the return of the Member, supposing Mr. Moloney to be the agent of the sitting Member; or that they were given to people for the purpose of corruptly influencing their votes? If the evidence is to be believed, the persons for whose benefit they were given were the persons whose votes (there could not be the slightest doubt) needed no stimulus whatever of this kind. Lamentable as the results of such practices are, I must act by the law; I must go by the strict construction of the Act, and I am unable to come to the conclusion that corrupt purposes of treating have been proved.

Consequently, the conclusion which I draw from the evidence is, that with respect to those particular cases, there was no doubt with regard to their votes or how they would have voted. Nothing has been proved in these cases, and I must act upon the evidence before me. If it can be shown to me that some man who had promised his vote had changed, it would be different; but nothing of that kind is proved. The evidence stands uncontradicted, that this was intended for the purpose of persons who had voted.

I now come to the last part of the case, and it is one that I approach with the greatest pain; and the whole case is a very painful one, considering the persons implicated in it. There was a sum of between 300*l.* and 400*l.* expended in a couple of nights, or nearly so, in giving drink to various persons, to the number of several hundreds, throughout the city of Limerick, for the purpose of securing their services to repel, if necessary, the force used by the opposite side. I will put it no further. I am told that reasonable ground existed for terror on behalf of the party who was about to canvass for Messrs. Russell and Gavin upon the Monday, the day before the day of "nomination"; that these terrors were entertained by a grave assembly of magistrates and clergymen; for that is the way it has been put to me by the counsel for the sitting Members; that they were terrified by the demonstration, some of which they saw, more of which they heard; by articles in the newspapers, written against some of them personally, which caused them to be seriously apprehensive of going out upon their canvass. It does appear that some of them actually refused to go out canvassing, and left, and as far as I can gather, the whole thing seems to have been in confusion upon that day. After those persons had left (and Mr. Leahy was among those who left) the canvassing party did go out. Mr. Murphy has truly put it that there was some actual demonstration, and even a threat of violence used by a person of the name of Larry Kelly to one clergyman; and it does appear that the whole feeling of the crowd collected was changed by that circumstance,

Limerick.

stance, and by the address of the clergymen. What is the conclusion to which the assembly of magistrates and clergymen really came, attending, as they had a right to do, by the side of the sitting Members, Major Gavin and Mr. Russell? The first thing they did was to send for the book-keeper of the candidate in whose cause they were interested, and to instruct him to provide persons who were to resist, if necessary, the violence threatened upon the other side, and to put it down. The assembly of magistrates interested upon that particular side, determine to call upon the book-keeper of the party in whose return they are interested to set about providing a mob for the purpose of protecting them and counteracting the mob upon the other side. That is the conclusion come to by the magistrates and clergymen. And, accordingly, this man, the book-keeper, does proceed upon this duty; and, so far as I can gather, the whole of the next two nights he spent in going through the public-houses of the city, treating the various men in the employment of Messrs. Russell and otherwise, for the purpose of getting them to act for them upon the nomination day; but that is not all; one of those magistrates communicates with two at least of those clergymen; to one of them he gives 100 *l.* for the purpose of raising men, without even the responsibility that might attach to the agent of the other side if put into such a position as that. It is to that man Crow, who was upon the table, that the instructions were given. He is to provide himself with persons like himself for this peaceable mode of putting an end to what had stricken such terror into the hearts of the clergymen and magistrates. In another case the sum of 150 *l.* was used similarly, being supplied by a magistrate to a clergyman. For what purpose? It was, as Mr. Conway, another clergyman, said, to get the boys of the town, a specimen of whom we had upon the table in the three witnesses, Skehan, Hayes, and Crow, and accordingly that is done.

Whatever view I may personally take of this transaction, it is another question whether it comes either within treating or intimidation. As to intimidation, I cannot see how the evidence applies in the absence of proof that it was directed against electors, or was organised for that purpose. I have not the evidence of a single elector who was prevented in any way whatever from voting; not a particle of evidence. Then how can I bring it within intimidation under the Act of Parliament? To bring it within the definition of treating is still more difficult, because, whatever I may think of this misguided league, if the purpose really were simply and solely the putting down a mob, how can I treat it as one of the corrupt purposes mentioned in the Act? Supposing I were satisfied that a hot and intemperate partisanship had induced men to be so unscrupulous with regard to the lives and persons of their fellow citizens as to trust the safety of the city to a contact between the mob raised by themselves and the mob which they say was raised by the other parties, even then the case would not be brought within the statute. I wish I could say that this wicked folly would not be properly described as acts of hot intemperate partisanship leading to an unscrupulous disregard of the lives and persons of their fellow citizens.

It is true that no direct or distinct evidence has been given before me of evil results as regards injury to property or injury to life resulting from this which, I repeat again, was a wicked folly. I have heard of one house being wrecked; but there was not a single instance in which direct evidence was given either as to hearsay or as to anything else, that injury was done to person or property by what is called the mob of Tait. But while I admit that there is no direct evidence upon the other side of injury done after this wicked folly was perpetrated, it is impossible that I can shut my eyes to the mode in which gentlemen in the position of magistrates answered questions, hinting at excesses of that kind by drawing a distinction which they have drawn in this case between knowledge and rumour. However, it has failed in satisfying me that this last head has been sustained on behalf of the petitioners.

It will therefore be my duty to certify to the Speaker that the sitting Members are duly elected.

Mr. *Coffey* applied for costs.

Mr. Baron *Fitzgerald* stated that, according to Parliamentary practice, he could not give costs unless he were prepared to pronounce the petition frivolous and vexatious, which he was not prepared to do.

LONDONDERRY CITY ELECTION.

JUDGMENT delivered by Mr. Justice *O'Brien*, 9 February 1869.

Londonderry City.

Mr. Justice *O'Brien*.] At the close of this protracted inquiry, and after having fully and carefully considered the evidence, it is now my duty to state the conclusion at which I have arrived. The petition contains several charges, some of actual bribery and undue influence by Mr. Dowse himself, or with his knowledge and consent, others of bribery by his agents, and others of intimidation. No evidence has been offered in support of the charge of intimidation, and the charges of bribery and undue influence by Mr. Dowse himself, or with his knowledge or consent, were, in the fullest manner, abandoned by petitioner's counsel, both in their opening statement and in their reply. It is, indeed, difficult to imagine conduct more to his honour or credit than that which Mr. Dowse pursued from the beginning of his canvass for the purpose of preventing any bribery or other corrupt practice. The law, however, for obvious reasons of public policy, provides that a candidate shall, so far as the validity of his election is concerned, be answerable for the corrupt practices of his agent, though committed without his knowledge or consent. And I do not concur in the doctrine so strongly urged by Mr. Palles, that, in considering the responsibility of a candidate under the 36th section of the Act of 1854, for the acts of his agent, we are to consider the question of agency as we would in an action for penalties brought against the candidate for the corrupt practices of his agent. That Statute and the Elections Act of last Session, recognise the distinction between the case of acts of bribery committed by the candidate himself, or with his knowledge and consent (which may be called a case of personal bribery), and the case of bribery committed only by the agents of the candidate, but not with his knowledge and consent. In the former case, the acts of bribery not only vitiate the election, but also disqualify the candidate from sitting in Parliament for seven years, and from voting and holding various offices. Whereas, in the latter case, the acts of bribery, besides vitiating the election, only disqualify the candidate from being again returned for the same constituency during the then Parliament. If, then, this question of agency was to be considered upon the principle contended for by Mr. Palles, the obvious intentions of the Legislature would, in my opinion, be defeated. I need not refer to the authorities on the subject, or to the decisions in various trials already held under the recent Act, which have been all uniform in that respect.

In the present case most of the acts of bribery relied upon by the petitioners are alleged to have been committed by Peacock, and the first question which arises respecting them is, whether he was an agent for whose acts Mr. Dowse is to be considered responsible under the Statute; and, in my opinion, he was. It appears to me that this is fully established by the evidence in the case. Mr. Dowse was the adopted candidate of the Liberal Registration Society; he subscribed largely to their funds; and Peacock was appointed by them to conduct the business of the last registration, with a view to the election that was immediately to follow. Mr. Dowse, though not actually a party to Peacock's appointment, subsequently approved of it, and we find that when the revision was completed, the funds and staff of that society, with Peacock as the principal of the staff, were, with Mr. Dowse's assent, used for the purpose of promoting the election, in the same manner as they had been employed for the purposes of the registration, and that various payments, first for the purposes of the revision, and, next, for the purposes of the election, were made by and through the hands of Peacock himself, out of moneys which had been given to him by this registration society. There is also the further fact that the committee of this society directed in a great degree the meetings of the electors, which were convened for the purpose of securing their support for Mr. Dowse; and again, we have the letter of Mr. Dowse to Peacock, which of itself would go far to imply that the relation of principal and agent existed between them. From these circumstances, therefore, I think it follows that Mr. Peacock should be considered as having been the agent of Mr. Dowse for the purposes of the election, so far as to render Mr. Dowse responsible under those two Statutes for any bribery on the part of Mr. Peacock at the election.

I have, however, next to consider a very different question, namely, whether any, and which, of the acts of bribery that are alleged to have been committed were, in fact, committed either by Mr. Peacock or by any other person who should be considered under the Statutes as the agent of Mr. Dowse. And in entering upon this consideration, we should bear in mind that the charge of bribery, whether by a candidate or by his agent, is one which should be established by clear and satisfactory evidence. The consequences resulting from such a charge being established are very serious. In the first place, it avoids the election; and in the recent trial of the Warrington election petition, where the petitioner sought to avoid the election, not certainly on the ground of bribery, but on the ground of some illegality or irregularity in the proceedings, Baron Martin is reported to have stated that he agreed with what had been said by Mr. Justice Willes at

Londonderry.

Lichfield, that before a judge upset an election he ought to be satisfied beyond all doubt that the election was altogether void. In the next place, the 43rd and 45th sections of "The Parliamentary Elections Act, 1868," imposes further and severe penalties for the offence, whether committed by the candidate or by his agent. Mere suspicion, therefore, will not be sufficient to establish a charge of bribery, and a judge, in discharging the onerous and unpleasant duty imposed upon him by this Statute, acting in the double capacity of judge and juror, should not hold that charge established upon evidence which, in his opinion, would not be sufficient to warrant a jury in finding the charge proved.

In the present case the original bill of particulars contains 51 cases of alleged bribery and undue influence, and with respect to these, no evidence whatever was offered to sustain more than 25 of them. Three more were added by notice served shortly before the trial, and another by an order made by me during the trial, making in all about 55 cases. Mr. Palles opposed the making of that order, but I thought it my duty, under the Act, to afford every facility for investigating the validity of this election. With that view I made orders, whenever they were required by the petitioners' counsel, to compel the attendance of witnesses and the production of documents. Upwards of 60 witnesses have been examined for the petitioners, and the trial has extended to a greater length than I believe that of any other trial which has been had under the recent Statute. I may here observe that no evidence was offered to support any of those four further cases which were added by the notice or under the order for amending the bill of particulars.

With respect to the charges of bribery which were sought to be sustained at the trial, Mr. Hamilton, in his reply for petitioner, abandoned, and, in my opinion, properly abandoned, those as to the alleged bribery of the following six persons, viz.: Richard Ewing, George M'Hugh, Mr. John Reeves, John Temple, Patrick McLinsky, and John O'Niell, as to which, in fact, no evidence of any weight was given. He also abandoned the charge of the alleged bribery of Richard Doherty and George Wallace, on the ground that, though there was evidence to sustain the charge of Thomas Hall having attempted to bribe them, there was no evidence whatever to show that Hall should be considered as an agent of Mr. Dowse. He was not a voter or even a resident of this town, and Mr. Dowse denied all knowledge of him, and also, I need not add, all knowledge of and concurrence in his alleged attempt to bribe. The charges of the alleged bribery of Michael Doherty by Philip M'Intyre, junior, and Richard M'Carter, and of the alleged bribery of Charles Gallaher by Mr. William Young, were also abandoned by Mr. Hamilton. They were sworn to by Mrs. M'Connomy, to whom (according to her statement) it singularly happened that she witnessed in the same house, not only those two acts of bribery by Mr. Dowse's supporters, but also another act of bribery by one of Lord Claud Hamilton's supporters, with respect to a voter of the name of M'Loughlin. They were all sworn to by her; but, in my opinion, the able cross-examination of this witness by Mr. Palles showed that her evidence was utterly unworthy of credit, independent of her being positively contradicted both by Philip M'Intyre, the younger, and Mr. Young. As those charges were abandoned, it is not necessary for me to refer in detail to her evidence, or to say more than that I do not credit her statements as to any one of the acts of bribery to which she swore, either as to those imputed to Mr. Dowse's supporters or as to that imputed to Lord Claud Hamilton's supporter. And I should presume, from those two former charges having been abandoned by the petitioner's counsel, that they entertain the same opinion as I do of this witness's veracity.

The first charge of bribery which is now sought to be sustained upon the evidence, is that of the alleged bribery of Michael Deery by the late Mr. Peacock. Deery voted for Mr. Dowse. He had been employed by Peacock for a month previous to the election at 25 s. a week, to distribute pamphlets connected with the election, for which work a payment of 5*l.* appears to have been made to him in various sums at different times, as sworn to by himself, and as entered in Peacock's account-book, of which the petitioners got possession after Peacock's death. I shall afterwards refer to this payment as coming within another class of charges; but the charge I am now about to consider is of a different character. Deery swore that, within a week before the election, he saw Mr. Peacock; that they were alone, no one else being present; that he then told Mr. Peacock that he (Deery) was getting low; that he heard money was going at the other side, and that he wished to know whether he could get anything to set him up, or to start him in his trade. Deery also swore that Peacock then asked him how much would he require; that Deery replied that less than 15*l.* would be of no use; and that Peacock then said there would be no possibility of doing that before the election, for fear of the bribery oath or test; but that if he (Deery) would vote for Mr. Dowse, and if Mr. Dowse was returned, that he (Peacock) would give him 20*l.*, and would not be tied to 15*l.* Deery further swore that, on the Monday after the election, he had another interview with Peacock (no one else being present), and that he then got from Peacock 1*l.*, which appears to have been the balance due to him out of the 5*l.* which he was to be paid for his work; that he then asked Peacock was that all that he was going to give him, and that Peacock said he was not then prepared "for the other thing." Deery further swore that he met Peacock again in about three days afterwards (no other person being present), and that Peacock then said that "on his word and soul he would pay Deery what he promised." If this evidence be true, it would establish a clear act of bribery by Peacock. But is its truth to be inferred from the evidence? Peacock is dead. No third person was present at those alleged interviews, and Deery cannot therefore be directly contradicted. There is no cor-
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roborative evidence of Deery's statements, and the charge rests on his credibility alone. The question then is, whether, having regard to his demeanour on the table, to the character and purport of his evidence, particularly on his cross-examination, and to the conduct he himself has pursued since this alleged promise, he is a witness worthy of credit, and one upon whose evidence alone this serious charge of bribery can be held to have been proved. He swore more than once (as I questioned him again on the matter) that until this trial he made no mention whatever of this circumstance, either to Mr. Hayden (petitioner's solicitor) or to any other person. I do not refer to this for the purpose of considering what communication there may have been between him and Mr. Hayden on the subject. I assume his statement to be true that he made no such communication either to Mr. Hayden or to any other person; but I ask, is it likely, or can it reasonably be supposed, that if such a promise was made by Peacock to a man in Deery's circumstances, a man upon his own evidence wholly devoid of principle, he would not have mentioned that promise, and claimed the performance of it during the interval that elapsed from the election until the present time? He also swore that on the evening before the election he met a person whom he thought was Mr. Baldrick, but whose name he could not tell, though he had known and seen him constantly in this town during the last two years, and had dealt with the establishment in which that person was a clerk. And he stated that this person told him on that evening that there was money going, and that if he (Deery) would come up in the morning, he (this unknown person) would try and get him 25*l.* to vote for Lord Claud (being 5*l.* more than Peacock's conditional offer), and that he (Deery) would be a fool if he did not take something. Deery also swears that he voted for Mr. Dowse on account of Peacock's promise; but he also states that he would have taken the 25*l.* to vote for Lord Claud, if he had got it, and that he told this unknown person he would do so. But he says that he did not rely upon that promise, though he would have us to believe that he relied upon Peacock's promise, and though he did not go back in the morning to ascertain whether that unknown person would get him the money. Deery also, after repeated evasions on his cross-examination, had to admit the purport of a conversation which he had with Mr. McLoughlin (Mr. Dowse's counsel), at the railway station. Deery asked Mr. McLoughlin on that occasion for money to drink, and boasted that he could have got 25*l.* for voting for Lord Claud Hamilton. His application for drink was refused. He then said nothing, however, of Peacock's promise, though he made a merit of having refused the offer of Lord Claud's agent, and boasted that he voted for principle, and got nothing for it. Can it reasonably be supposed that if Peacock's promise had been made he would not have then put it forward, or that he was prevented from doing so by principle or delicacy of feeling, or by any other reason than that the promise never was made, and that the idea of fabricating it did not occur to him, while Peacock was alive to disprove it. Deery further states that he afterwards applied to Mr. Reid (Mr. Dowse's conducting agent) for money to pay some street men who were teasing him for it, and also to compensate himself for his own loss of time, and that though Mr. Reid positively refused to give him any money, he did not then make any claim in respect of Peacock's promise, or even mention it to Mr. Reid. He admitted, upon his cross-examination, that his statement of having voted on principle was untrue, though he confirmed that statement by the asseveration, "So help his God"; and he seeks to explain his having done so by stating that he was not upon his oath, though he called God's name to witness the truth of his assertion; and that indeed "when he had liquor in him he told lies as fast as truth." I need not refer to his statement about that unknown person having previously, on other occasions, offered him money to vote for Lord Claud. I do not enter into the consideration whether any such offer was made, and I shall only refer on this matter to the evidence of Mrs. Monagle, who stated (what Deery did not deny) that he had expressed his regret to her that he had not taken Lord Claud's money. I think what I have already stated is sufficient to show that his evidence as to Peacock's alleged promise is unworthy of credit, and that no jury should find a charge proved upon such testimony. Mr. Hamilton, indeed, relied on the entries in Peacock's books as corroborating Deery's evidence; but those entries relate only to the payment of the 5*l.*, and in no respect sustain Deery's evidence as to Peacock's alleged promise of 20*l.* In my opinion, therefore, this charge has not been sustained.

We now come to a case of a different character, namely, that of Henry Hamill, who is alleged to have been bribed by the payment of 6*l.*, made to him by Mr. Peacock. Hamill was a ship carpenter, engaged to go a voyage in a ship called the "Stadancona," which sailed some weeks previous to the election. Mr. Hamilton was right in saying that the dates in this transaction were not very accurately proved. It appears, however, that Hamill got what is called an advance note from the captain of the ship some days before the ship was to sail; that the amount of that note was 5*l.* 15*s.*; and that he raised, through his wife, some money on it (he thought about 4*l.*) from McNulty, a pawnbroker. Hamill swore that in a few days afterwards he changed his intention of sailing in that ship, in consequence of Mr. McClellan (the agent of Messrs. Cook, who were the landlords of the house in which he lived) using some threats about putting his wife and children out of the house; and that he redeemed the advance note by paying himself to Mr. McNulty the amount advanced on it. The alleged act of bribery is that Hamill got from Peacock the 6*l.* for the purpose of redeeming that note in order to enable him to stay and vote for Mr. Dowse, and that he repaid McNulty out of it. This is, however, positively denied by Hamill. He swears that when he changed his intention about sailing

Londonderry.

he went to the captain of the ship and told him, in the presence of a clerk of Mr. McCorkell, the owner of the vessel, why he was going to leave the ship, and gave him back the advance note. Hamill described the clerk, and pointed out a gentleman in court who knew the clerk, and he said he believed the clerk was still in this town. Hamill was interrogated minutely as to the dates; the amount received from McNulty; and other matters. He said he could not tell the exact dates; but it is clear that the money must have been repaid to McNulty within a few days after Hamill had got it from McNulty, and within a short time before the ship sailed; and it is to be observed that Hamill's evidence as to the real cause of his not sailing in the ship, and as to his having told the captain what that cause was, might, if it was untrue, have been contradicted by the production either of Mr. McClellan, the agent, or of the clerk, who was present when Hamill told the captain the cause of his not sailing in the ship. Hamill further swore positively that he had never spoken to Peacock, or received any money from him, and when he was shown the entry in Peacock's book, on which petitioner's counsel so much relied, namely, "H. Hammill 6 £," he positively denied that he ever got that sum, or any part of it, and from Hamill's demeanour, and the manner in which he gave his evidence, I see no reason for supposing that he swore falsely in making that denial.

The case of petitioner's counsel is, as I have already stated, that the 6 £. was given by Peacock to Hamill before the vessel sailed; and that Hamill, out of that money, redeemed the note and paid McNulty the amount which he had advanced upon it. Hamill underwent a very long and minute examination, and he stated in one part of his evidence that when McNulty paid the 4 £. he (Hamill) gave it to his wife for the purpose of getting an outfit; and in another part of his evidence he stated that he gave it to her for support during his absence; and when he was asked afterwards what outfit was procured for him out of the 4 £., he stated that the only articles were "a shirt and pair of pants." I do not think that this inconsistency in his evidence as to the application of the 4 £. he got from McNulty is material, because the balance which his wife had, after procuring that trifling outfit, would naturally have gone towards the support of her and her children during his absence. This balance (as he did not sail in the ship) would have been nearly sufficient to enable him to repay McNulty, and any wages that he earned would have been also available for that purpose. And this would account for his being able to repay McNulty without getting the money from Peacock or any other person, and would explain his statement that he paid McNulty by means of his labour.

What, then, is the evidence of the payment of this 6 £. by Peacock to Hamill? It rests solely upon that entry in Peacock's book which is contained in a separate page at the end of the book, wholly distinct from the entries of cash payments in other pages, and is not marked as "paid."

According to the evidence, this money, if paid by Peacock to Hamill, must have been paid some weeks before the election, and it is not likely that a man in Peacock's circumstances would have paid the money, without getting it repaid in that interval, or afterwards, by some of those for whom he acted? This book contains, in other pages, entries of cash payments down to the 21st of November 1868, which are initialled by Mr. O'Neill, the treasurer of the Liberal Registration Society, as having been paid; but, as I have already stated, this particular entry is not marked "paid," and no receipt, voucher, or document, showing that payment, is produced from Peacock's papers, to which petitioner had access.

If Peacock paid this sum, it must have been out of his own money, as there is no ground on the evidence for supposing that he had any other money out of which he could pay it. The account book of the Registration Society has been produced and examined, and shows that their funds were otherwise applied; and both Mr. Dowse and his agent, Mr. Reid, are expressly exonerated from any participation in this transaction. Peacock, then, would of course have expected to be repaid this sum by some of those for whom he acted, and would naturally have got from Hamill some acknowledgment or voucher to sustain his claim for such repayment; but although the petitioner's solicitors have had access to the papers left by Peacock; and, although from the evidence of Mr. Neilson, it appears that Mrs. Peacock showed them all the documents and papers of Peacock's which she had that were connected with this election, yet no document or entry is found showing that this sum was in fact paid.

With respect to petitioner's solicitors having got those documents or papers from Mrs. Peacock for 50 £., I do not think it necessary to make any observation upon the circumstances under which they were got. In point of law, she had a right to give them.

So far, the result of the evidence is that on the one hand we have the positive denial of Hamill, that he ever was paid this money, or ever had any dealing or communication with Peacock; and, on the other hand, we have this entry in Peacock's book referring to that sum, but not stating it to be paid; an entry which, if Peacock was alive, might be explained. It may be that Peacock subsequently heard of Hamill having given back the advance note, and thought it was a hard case upon Hamill not to be indemnified for such loss; and that he made that entry with a view to further consideration. But however difficult it may be to give any satisfactory explanation of that entry, I am clearly of opinion that, considering this question upon the ordinary and settled rules of evidence, I cannot come to the conclusion that the fact of this payment, so positively denied by Hamill, is proved by an entry which, though it refers to the money, does not even purport to state that it was paid.

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I have now, however, to refer to a matter connected with Hammill's case, which transpired on the examination of Mr. Dunne, who had acted for Mr. Dowse at the election. Mr. Dunne, in his evidence, positively stated that he had not known Hammill, and had never seen him until this trial. He was then asked by the petitioner's counsel whether he had ever told anyone that he saw Hammill receive the money from Peacock. He at first positively denied having said any such thing, but when he was further pressed, and when counsel mentioned the names of the gentlemen to whom it was alleged that Dunne made such statement, he withdrew from his former denial, and said, that if they swore he had made such statement, he would not deny it, though he had no recollection of having said it; Mr. Christie (one of the petitioners) and Mr. Morris were examined as to Mr. Dunne's conversation with them at an hotel on the night of last Saturday week, the day after Hammill was examined on this trial, and though there was this difference in the evidence of these two gentlemen, namely, that Mr. Christie said he heard Mr. Dunne state that he saw the money paid, whereas Mr. Morris said he heard Dunne state that the money was paid by Peacock to Hammill, but that he did not understand Dunne as saying that he saw it paid; still there is a manifest and material contradiction between the verbal statement of Mr. Dunne to those gentlemen and his sworn evidence upon the table. I do not profess, nor is it necessary for me to attempt to account for Mr. Dunne's inexplicable conduct and for the glaring discrepancy between his sworn evidence and his previous statement, or to consider the suggestion of Mr. Pales, that it may be accounted for by Mr. Dunne's having been at a late hour of night drinking at an hotel. But I have to consider how far this matter affects the charge in this case of Hammill's, and I shall make some observations (applicable also to another of the cases before me), as to the effect of previous statements made by a witness, which are inconsistent with his sworn evidence. If a witness swear upon a trial that he saw a previous transaction, and if it appear that previously to the trial he had stated that he never saw it, I need not say that such previous statement, if unexplained, would materially derogate from the weight of his sworn evidence or from the credit which would otherwise be attached to it. But if the witness deny upon his oath that such a transaction ever did take place, can it be held that the proof of a previous contrary statement, not made upon oath, should be considered as proving that transaction, or even as any evidence of it? Such a doctrine would, in my opinion, be at variance with the legal and settled principles of evidence. The previous statement of a witness when not under the sanction of an oath, may, under certain circumstances, induce the court to consider him unworthy of credit when sworn, but cannot be relied upon as a proof against another party of a fact which that witness has denied upon his oath. Suppose the sworn evidence of that witness struck out, what then would remain but his verbal statement, which is no evidence against another party. It would be clearly inconsistent to adopt as against another party the previous unsworn statement of a witness who is deemed unworthy of credit, when he denies upon his oath what he had admitted by such previous statements; I cannot therefore consider that Mr. Dunne's previous statement to Messrs. Christie and Morris is evidence of the fact of his having seen the payment made by Peacock to Hammill or of the fact of such payment having been made, when Mr. Dunne swore so positively, on his examination here, that he had never seen that money paid, and had ever known or seen Hammill until this trial.

The next charge to which I will refer is that of the alleged bribery of George Paris, which is stated in the Bill of Particulars to have been committed by Mr. Hempton, Philip McIntyre, and James Harper. It does not appear on the evidence that Philip McIntyre or Harper had any connexion whatever with the matter. The case made by petitioner's counsel is, that the bribery was committed by Mr. Hempton and by Peacock, whose name is not mentioned in the Bill of Particulars in connexion with this charge, but I shall consider the case as if Peacock's name had been so mentioned. It appears that about three weeks before the election, Paris got 10 s. for his loss of time at the revision of the registry in September. I shall defer considering that ground of objection until I come to deal with other similar cases. But the charge of bribery I am now considering is, that he was induced to vote for Mr. Dowse by Peacock's promise to protect him from any proceedings for Mr. Todd's rent. Mr. Todd was the landlord of Paris, and a supporter of Mr. Dowse. Mr. McGee was the agent of Mr. Todd, and a supporter of Lord Claud; Paris had been pressed for his rent by Mr. McGee, and Paris states that accordingly about three weeks before the election, he went to Peacock, and told him he had been so pressed, and that Peacock told him to this effect, that he was sure Mr. Todd would not press him, and that he, Paris, should go to Mr. Todd. Paris further states that he then went to Mr. Todd, that Mr. Todd referred him to the agent, Mr. McGee; that Mr. McGee said he would take security; that he then went back to Mr. Todd, who sent a message to McGee, the result of which was, that McGee expressed his willingness to take the rent by weekly instalments. Now, if those facts were all that occurred, there would clearly have been no bribery on the part of Peacock. It was natural and right that when Paris told him he was pressed for his rent, that Peacock should tell him to go to his landlord, who was a Liberal, and that he would not press him for it. But what is alleged by petitioner is, that Peacock, in order to induce Paris to vote for Mr. Dowse, had given him a promise or undertaking to protect him from Mr. Todd's claim for rent, and of course if any such promise or offer attended with pecuniary advantages, or the relief of pecuniary pressure, was made to Paris, for the purpose of inducing him to vote, it would be an act of bribery. But how is it proved that Mr. Peacock gave such a promise or undertaking? Paris, on his oath, denies that such a promise or undertaking was made or

Londonderry.

given to him by Peacock, or that Peacock said more on the matter than what I have stated. Paris was then, however, examined as to an interview he had with Mr. Hempton after the election, when he went to inquire where Peacock was; and certainly his evidence as to it was by no means satisfactory. It was a long time before it could be extorted from him that he mentioned anything to Mr. Hempton about his being processed for rent. He accounts for his going to inquire for Mr. Peacock by saying, that he wanted a prescription which Peacock promised him; but after being much pressed by petitioner's counsel, he admitted at length that when he was going away from Hempton he showed Hempton the process with which he had been sued for his rent due to Todd. Mr. Hempton also was examined, and stated at first that Paris did not in that interview tell him that Peacock had promised to protect him from the rent; but a letter was then put into Mr. Hempton's hands, written by him to Peacock on the day of that interview, in which is the following passage: "George Paris is here, claiming protection from his former landlord Tod, that you undertook, as I presume I shall be told more about it." That letter certainly shows that Mr. Hempton's recollection as to Paris's conversation with him was not accurate, and that Paris did make the statement mentioned in that letter. But even so, how does the case stand, and does it not fall within the principle I have already laid down as to those cases in which witnesses called to prove a fact which they deny upon their oath, are proved to have previously made contradictory statements in which they admitted that fact? Paris swears, on the trial, that no such promise or undertaking was given to him by Peacock. It appears, however, that he had told Hempton, in that interview, that Peacock had undertaken to protect him. He of course made that statement to gain a benefit to himself, and to be protected or indemnified against the process, and though his making it untruly was highly unscrupulous and dishonest on his part, it cannot be relied on as establishing the fact which is positively denied by him on his oath.

Before I pass from this case of Paris, it is right to express my full concurrence with Mr. Hamilton that no credit is to be attached to Paris's evidence of what passed in his interview with Lord Claud Hamilton. Paris's statement, on the face of it, is highly improbable; and even if it was not contradicted, as it has been by Lord Claud, no reflecting person would believe that a nobleman in Lord Claud's position would make such a proposal or suggestion as sworn to by Paris. But this contradiction of Paris's evidence as to his interview with Lord Claud, does not certainly afford any reason for believing in the truth of the statement which he made to Mr. Hempton—a statement which, as I have already observed, it was so much his interest to make. For these reasons, therefore, I am of opinion that this charge of the bribery of Paris is not sustained.

The next charge to which I shall refer is that of the alleged bribery of Felix McCloskey, the circumstances of which are certainly very singular in their character. It appears that McCloskey had been arrested the evening before the polling-day under a civil bill decree for about 12¹/₂, at the suit of Mr. Ramsay, a supporter of Lord Claud Hamilton, and that about half-past two or three o'clock on the polling-day Philip McIntyre, senior, and Mr. Hanna went to the gaol, and, after some conversation with McCloskey, paid the amount of the decree, got McCloskey discharged, brought him to the court-house, where he voted for Mr. Dowse. This, therefore, was done openly, and at a period when, according to the evidence, the election was virtually decided in Mr. Dowse's favour, as he had then a majority which could not be got over. It was not only done openly, but it was done in the presence and through the instrumentality of Mr. Wilson and Mr. Mooney, the authorities of the gaol, by whom McCloskey was discharged, and one of whom, at all events, was avowedly opposed to Mr. Dowse. I do not, of course, use the word instrumentality to impute to those two persons any participation in the alleged bribery, but of course they must have known for what purpose all this was done; and, indeed, Mr. Mooney states that soon after McIntyre, Hanna, and McCloskey had left the gaol, he followed them to the court-house, where the polling was going on, and which was not far from the gaol, and saw them returning from it, and that Hanna said, "they had made it all right." I need not go further into the facts of this cause, because I have no doubt that upon the evidence before me, unexplained, this should be deemed an act of bribery on the part of McIntyre and Hanna. The facts of this case are essentially different from those of the Ashburton case (reported in Wolf, and B. 2, p. 1), and which is referred to in Rogers "On Elections," p. 348. And I would not regard that case as establishing the rule, that money paid to get a voter out of prison, in order to "enable" him to vote, should not, under the circumstances of this case, be considered as money paid to "induce" him to vote, and as therefore being an act of bribery. Every case must, of course, be governed by its own peculiar circumstances; but if any such general principle was laid down, it would go far to afford a cloak for bribery, and the means of evading its penalties. The next question, however, is whether either Philip McIntyre, senior, or Hanna, was the agent of Mr. Dowse, so as to render him responsible for this act of theirs. With respect to Hanna, there is no evidence at all to show who he was, or to show any connection between him and Mr. Dowse. With respect to Philip McIntyre, senior, however, evidence has been given that he attended some meetings and spoke at them (I shall presently refer to one meeting in particular); and with respect to his having canvassed for Mr. Dowse, the only evidence to establish his agency on that ground was that of James Lowrie, who voted for Lord Claud Hamilton. He states in his evidence, that on the second occasion of Mr. Dowse canvassing him, which appears to have been about the 5th of September, he (Mr. Dowse) was accompanied by Mr. Dunne and Philip McIntyre,

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senior, that they were going to pass Lowrie's house, when McIntyre said to Mr. Dowse, "You will have to see Lowrie"; that they then went in at Lowrie's gate, and that after some conversation between Lowrie and Mr. Dowse (which implied that Lowrie did not intend to vote for him), Philip McIntyre said he thought it would be all right. There is not any other evidence in the case of any canvass by this Philip McIntyre in the presence of Mr. Dowse; and with respect to this transaction, Mr. Dowse stated on his examination that on the occasion of his second visit to the waterside (viz. about the 5th of September), he had gone there with Mr. Dunne and Mr. Thomas White for the purpose of canvassing, that about 100 people joined him there, that Philip McIntyre, senior, whom Mr. Dowse had not previously known even by name, came up and asked him how he was; that Mr. White said, "Mr. Dowse, this is one of your supporters"; that Mr. Dowse replied, "Very well, I am glad to see you"; that Mr. Dowse then proceeded through the street, followed by about 100 men, women and children, and went into a house, which it appears was Lowrie's, that he asked Lowrie for his vote, and that while they were speaking on the subject, Mr. Dowse heard a voice say behind him, "Oh, he is sure to support you" (which is much the same as what Lowrie stated). Mr. Dowse further swore that on turning round he found the voice which he heard was that of Philip McIntyre, senior, and that until then he did not even know that McIntyre was with him, or accompanied him to the house. He further states that he never authorised McIntyre to go with him or to canvass, and that after leaving Lowrie's house he saw a crowd still following him, with McIntyre among them; that he then had some conversation with Messrs. White and Dunne, and immediately afterwards asked McIntyre to leave some document for him in Foyle-street rooms, and that accordingly McIntyre went away to do so. It is true that Mr. Dowse made him his messenger on that occasion, but it is clear (as held by Mr. Justices Willes in the Windsor case) that the employment of a man as messenger is not sufficient to constitute him an agent. Mr. Dowse further states that, in about an hour afterwards, he returned to the same place, and found Philip McIntyre there, who told him he had left that document in Foyle-street; that Mr. Dowse again spoke with Messrs. White and Dunne, and that in consequence of what he was told by those two gentlemen he immediately went down to another house, and drove away on a car with Messrs. White and Dunne, leaving McIntyre behind him. Mr. Dowse was asked by his counsel, on examination, to state the purport of his conversation with Messrs. White and Dunne, but the petitioner's counsel objected to the question, and I ruled that the evidence of this conversation was not admissible. But whatever was the conversation between them, it is manifest that in consequence of it Mr. Dowse was desirous to get rid of McIntyre; and he states that he did everything in his power to get him away, as he did not (to use Mr. Dowse's own expression) "want any one to be foisted on him." He further states, that the occasion of this visit to Lowrie was the only one on which McIntyre was even with him on his canvass; that he never authorised McIntyre to canvass for him, and that he did not believe that he did canvass. Mr. Dowse also explained what passed at the public meeting on the 25th of October at Mr. White's stores, at which McIntyre spoke, and seconded one of a set of resolutions that were passed. He states that when the resolution was moved some one in the crowd addressed McIntyre by the name of "Phil," and called out to him to speak; that McIntyre then got up to speak, and second the resolution, but that there was no previous arrangement as to his doing so. It was proved by other witnesses that McIntyre spoke at other meetings in support of Mr. Dowse; but it appears to me that on the entire evidence there is no ground for holding that McIntyre was the agent of Mr. Dowse, so as to render Mr. Dowse responsible for his conduct in this transaction as to McCloskey.

With respect to this question of agency, petitioner's counsel referred to the Norwich Petition case (19th Law Times, 618), in which Baron Martin made use of the expression, that "Hardiment's agency is proved to the hilt." But the circumstances of that case are essentially different from those of the present. Hardiment had been seen distributing money on the polling day to a considerable amount, and it appeared that previous to that day, he and Mr. Stracey and the sitting Member's son had been, with others, appointed as canvassers; and that he and Mr. Stracey canvassed together on one day, having gone out together from the committee-room, and that Hardiment, with others, canvassed on another day, and there was upon the evidence no doubt but that Hardiment had been appointed one of the regular canvassers with the knowledge and consent of Sir H. Stracey, the sitting Member. The decision in that case does not therefore apply to the present. The Windsor case, (19th Law Times, 613) has also been referred to. Mr. Justice Willes does in that case lay down the general proposition that every person who canvassed for a candidate is to be considered as an agent; but he expresses his opinion on the subject in those accurate terms for which he is remarkable, and says, I have already stated that authority to canvass, (and I purposely used the "word authority, and not employment," because I meant the observation to apply to persons authorised to canvass, whether paid or not for their services) would, in my opinion, constitute an agent, and that authority for the general management of an election, would involve an authority to canvass." There is no evidence of any such authority here from Mr. Dowse. He swears he never did give such authority, and what took place on the day of his canvassing, Lowrie would so far negative the existence of any such authority, express or implied. With regard to implied authority, it is to be observed, that McIntyre was not even a member of the Liberal Registration Society, by whom Mr. Dowse had been adopted as candidate; I cannot concur in the opinion, that any supporter of a candidate who chooses to ask others for their

Londonderry.

votes, and to make speeches in his favour, can force himself upon the candidate as an agent, or that a candidate should be held responsible for the acts of one from whom, as in this case, he actually endeavoured to disassociate himself. No candidate would be safe, if agency was to be established by the facts of the present case. On these grounds, therefore, I am clearly of opinion, that the agency of McIntyre for Mr. Dowse has not been established, and that accordingly the charge as to M'Closkey's case also fails.

The next class of objections to which I shall refer is that relating to the employment of cars. It is not contended that Mr. Dowse, or his agents, violated the provisions of the 12th section of the Irish Representation Act of last Session, (31 & 32 Vict., c. 49), by paying money on account of cars for the conveyance of voters to the poll, which payment though illegal, would not, of itself, vitiate the election, and it does not indeed appear in the evidence that any such money was paid by Mr. Dowse or his agents for the conveyance of voters. But the allegation is, that various sums were paid by Peacock, or some other person on behalf of Mr. Dowse, to several voters, who were car-owners, that such sums were paid nominally on account of the hire of their cars, but really with the intention of inducing such voters to vote for Mr. Dowse; that such sums exceeded the reasonable charge for the cars, and that such payments were accordingly acts of bribery. The three cases relied on under this head are those of John M'Ivor, Henry Perry, and William Carlin, all of whom voted for Mr. Dowse. With regard to John M'Ivor, he swore that his car at the election was used by him voluntarily, without pay or promise, and in this he was not in any way contradicted; he further stated, however, that he had been employed at the revision for Lord Claud Hamilton, and did not get 3 l. 15 s., or any sum from Perry, who had been employed to hire cars at the revision for the Liberal Registration Society. In this latter statement, however, he is contradicted by Perry, who said that M'Ivor made some mistake about it, and that he, Perry, paid M'Ivor for the Liberal Registration Society, 3 l. 15 s. for his car, at the revision, and Perry produced M'Ivor's receipt to that effect. If that payment of 3 l. 15 s. was excessive, and was made to influence M'Ivor's vote, then, of course, that would be some foundation for the charge of bribery; but it appears that M'Ivor's car was, in fact, used for six days at the revision, and that the rate charged was 10 s. a-day for the car, and 2 s. 6 d. for the driver (which, for six days made up the sum that he got), and that such rate did not exceed the usual rate of charge, and had, in fact, been refused by some car-owners as not sufficient. I do not, therefore, think that is any foundation for this charge of bribery, notwithstanding the manifestly erroneous statement of M'Ivor, that he had not been employed at the revision for the Registration Society, or paid by Perry.

With respect to the charge of the bribery of Perry, he states that he had five cars of his own, which were employed by the Liberal Registration Society at the revision, and that they also employed him to hire a number of other cars, for the revision, and that he did so, and that his charge for all those cars amounted to 75 l., being at the same rate of 10 s. a-day, for the car, and 2 s. 6 d. for the driver, which, as already stated, was a reasonable charge, and that the cars charged for were actually employed, and that part of the 75 l. was still due to him. He also states, that at the election, his own five cars, and several others which he hired, were employed by several gentlemen, whose names he mentioned, for their own use, and for which they were to pay at the rate of one pound for the car, and five shillings for the driver, which had been at several previous elections, at the usual rate of charges for the day of election. It further appears, that Perry had promised Mr. Dowse before the revision to vote for him, and Perry swears that the employment of his cars at the election or revision had nothing to do with his promise or vote.

With respect to the case of Carlin, he swears that his car was engaged at the election by William McMonagle, (whom I shall presently refer to), that he got 1 l. 5 s. for it, and also that the car had previously been employed at the revision by Perry for six days, and that he got 3 l. 15 s. for it. It also appears that he had promised Mr. Dowse in July, long before the revision or election, and he swears that his promise had nothing to do with the employment for his cars, and that he had never expected to get anything for his vote. On these facts I am of opinion, that there is not, either in this case or in that of Perry's, any foundation for the charge of bribery. Both these had promised Mr. Dowse long before their cars were employed; their cars were actually employed and used, and were paid for at the usual rate, and they both swear that the employment of their cars had nothing to do with their votes or promise. I may here refer to the evidence of William McMonagle (though he is not a voter). Carlin was hired by him; he states that he had two cars which were his own, and did not belong to his father, who was a voter, that those two cars of his were employed by Mr. Young on his own account on the day of the election, and that Mr. Young paid him for them, and told him not to drive any voters. McMonagle further states that Mr. Young also told him to engage several other cars for that day, but not to engage the cars of any voters, and that he (McMonagle) accordingly ordered sixteen or eighteen cars, and at the desire of petitioner's counsels, he produced a list of the men whose cars he hired, on which list nothing is to be observed, except that two or three of the carmen were voters. But no question was raised by petitioner's counsel as to them.

The remaining cases of alleged bribery are those in which various sums of money were paid to voters for loss of time at the revision in September, and also to voters who were employed either for purposes connected with the election, or with the revision, for which they were employed for the Registration Society, and all which sums, it is alleged, exceeds

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in amount what was a fair, reasonable remuneration for their services, and were in fact paid for the purpose of inducing those voters to support Mr. Dowse. All those payments appear to have been made by Peacock, or by other persons by his directions, and it was admitted by counsel on both sides that the revision commenced on the 25th of September, and lasted for five or six days, till early in October. The payments for loss of time at the revision were 10s. to George Paris, which I have already mentioned, 1*l.* to Patrick Connen, and 10s. to John Devine, making altogether 2*l.*; and the payments for employments which were made to the voters as to whom bribery is charged were 4*l.* 15s. to Mr. Bernadotte Little, 4*l.* to John Quirk, 12*l.* 5s. to John Devlin, 2s. 7s. to Richard Griffiths, of which 7s. were for loss of time, 1*l.* 13s. 6*d.* to John Brown, 3*l.* 12s. 6*d.* to Andrew McLoughlen, and 5*l.*, already mentioned, to Deery; all said sums, together with the 2*l.* for loss of time, make together 35*l.* 13s. Mr. Hamilton has charged these payments to be the result of an organized and extensive system of corruption upon the part of Peacock; well, and I refer to the amount of these sums not merely as showing that so far as the amount is concerned it affords no foundation for the charge of any extensive corruption, but also for the purpose of observing that although in Peacock's book, which has been so much relied on, and which I have carefully examined, there are about 250 entries of payments by Peacock, and although petitioners had access to all Peacock's books and papers which would show any further payments, yet the payments I have mentioned are the only payments relied on as the foundation of the charge of bribery or of any corrupt practice.

I have to observe, with respect to the payments made to voters employed for Mr. Dowse for election purposes, as clerks, messengers, etc., and who voted for Mr. Dowse, that under the 8th section of the Representation Act of last Session, (31st and 32 Victoria cap. 49) such voters were guilty of a misdemeanor, and that upon a scrutiny their votes would have been struck off. That section, however, is not and could not be relied on in this case as of itself rendering the election void, but it is contended that those payments, and also the payments for loss of time at the revision court, were corruptly made; that they were excessive in amount, having regard to the services performed; and that they were made with the corrupt intention of inducing these men to vote for Mr. Dowse. With respect to payments for loss of time at the revision, the first I shall refer to is that of 10s. to George Paris. He swore that he lost four days at the revision, for which he only got that sum, which he complained of as too little, and it appears, both by his evidence and that of Mr. Dowse, that he had before the revision promised Mr. Dowse to vote for him.

The next case is that of Patrick Cannen who got 1*l.* for loss of time for four days at the revision; he swore that he voted for Mr. Dowse on principle, that he would have given him fifty votes if he had them, and that he would have voted for him without any compensation; that he was a carter and often got more than 5s. a day with his horse and car; Mr. Dowse stated also that Patrick Cannen had promised him his vote long before the revision.

The next case is that of John Devine, who got 10s. for loss of time at the revision; he swore that his principles were those of Mr. Dowse; that he promised to vote for him on that account alone; that his promise had nothing to do with the payment of that money, and that he would have voted for Mr. Dowse if he had got nothing for his loss of time; and Mr. Dowse states that Devine had promised him upon the occasion of his second visit to the Waterside, which was on the 5th of September, some weeks before the revision.

As regards the payments of 5*l.* to Mr. Deery, I do not think that sum exceeded a fair remuneration for his services, or that he was employed in order to influence his vote. Mr. Dowse states that after July last, and some months before the employment, Deery had positively promised to vote for him.

The next case is that of Bernadotte Little, who acted as a clerk at a salary of 30s. a week at the Liberal registration rooms from the first of November till after the election. For that he got a sum of 4*l.* 15s., which, considering his position and the nature of his employment, cannot be regarded as excessive. Mr. Dowse states that Little promised him his vote in July, and Little swore that he never changed his intention of voting for him, and that his employment had nothing to do with his vote.

The next case is that of John Quirk, who was paid 4*l.* for being in charge of the Registration Society's rooms in Foyle-street for one week, and at their rooms at the Waterside for three weeks. He was employed in the end of October and in November, and it appeared from Mr. Dowse's evidence that Quirk had promised to vote for him so far back as the 5th of September. Quirk stated on his examination that he was formerly on the staff of the Derry Militia, and was discharged from it last August, and that in November, when he was in charge of the registration rooms, he was asked by Captain Butler, the Adjutant of the militia, whom he would vote for, and that he replied that he did not know yet, and that he was not then decided whom he would vote for. He also stated that he did not tell Captain Butler he would vote for whoever gave him employment. He further stated that long previously to that interview and to his employment, he had made up his mind to vote for Mr. Dowse, and that his voting was altogether irrespective of his employment. Captain Butler was then examined, and he stated that about a week before the election he asked Quirk whom he would vote for, and that Quirk replied he would vote for whoever gave him employment. There is therefore a contradiction between Captain Butler and Quirk as to what passed at that conversation; but it is clear that whatever Quirk may

Londonderry.

have then told Captain Butler, who had been his adjutant, he had previously promised to vote for Mr. Dowse.

The next case is that of John Devlin, who was employed by Peacock as a clerk, as Mr. Little was, and at the same salary of 30 s. a week, at the Liberal Association rooms, from before the revision till after the election. He was paid altogether the sum of 12 l. 5 s.; but it appears that for some weeks he was paid for each week only broken sums, viz., 25 s. in one, 10 s. in another, and 20 s. for another week, showing he was only paid as he worked. These payments were certainly not excessive, and Devlin swore that he voted according to his principles; and that his employment had nothing to do with his vote; that he had promised Mr. Dowse long before he thought of being employed. Mr. Dowse also states that Devlin first promised him his vote in July, and afterwards again in September. Devlin also stated that, shortly before he was so employed as clerk, he had been in the employment of Messrs. Chrystal, who paid him 1 l. per week, and a per-centage on his collections, which together exceeded what he got from Peacock.

The next case is that of Richard Griffith, who promised Mr. Dowse about the 6th of September to vote for him; he got 7 s. from Peacock soon after the revision for his loss of time there for some days, and he afterwards got two payments of 1 l. each for having been employed for two weeks before the election in watching and looking after voters. He swore that his employment or payment had nothing to do with his vote; that he voted according to his principles, and was determined to vote for Mr. Dowse long previous to his employment; and Mr. Dowse states that in July Griffith told him he would not be against him; and that afterwards, about the 6th of September, Griffith told him he would vote for him.

The next case is that of John Brown, who was employed by Peacock as a messenger for several days immediately preceding the election, at the rate of 3 s. 6 d. a day (which I do not think excessive), and got 1 l. 13 s. 6 d.

He states that he was determined, long previously thereto, to vote for Mr. Dowse; that money had nothing to do with his vote, and that he would not on any account have voted for Lord Claud Hamilton. Mr. Dowse states that Brown promised his vote first in July, and afterwards early in September, on the occasion of his second visit to Water-side.

The last case I have to consider is that of Andrew McLaughlin, who was paid altogether 3 l. 12 s. 6 d., being at the rate of 1 l. per week. He had been employed to watch voters for about three weeks before the election, and had lost some time at the revision court. It appears that in July, when he was first canvassed by Mr. Dowse, he only promised not to vote against him, but that about six weeks before the election, when Mr. Dowse canvassed him again, he positively promised to vote for him; and McLaughlin also swore that he had intended from the very first to vote for Mr. Dowse, and that his principles agreed with those of Mr. Dowse. This is the last case of these payments which are alleged to have been made corruptly, as being only nominally for work, but as exceeding in amount the value of the work, and as made with a corrupt purpose. In considering these several cases, I cannot lose sight of the fact, that all of these men had originally in positive terms, and long previous to their respective employments, expressed their intention to vote for Mr. Dowse; that their political opinions agreed with his, and that there can be no doubt but that their natural feelings and inclinations, without any influence whatever, would have induced them to give him their support. In the course of the last week, upon the trial, before Baron Martin, of the second Bradford petition (as reported in the "Times" newspaper of the 3rd inst.), some cases of giving refreshments to voters were proved and relied on as acts of treating under the 4th section of the Corrupt Practices Act of 1854. It appeared that some of the refreshments given were partaken of by electors who voted for Mr. Forster, the sitting Member, and for Mr. Miall, and who had previously promised them their votes; and Baron Martin, in stating why he did not think that the giving of refreshments to those voters came within the 4th section is reported to have said: "They were not given in this case *in order to be elected*, because it was already known which way the men who had votes would vote; they were voters who had declared their intention to support Messrs. Forster and Miall."

I think that these observations of Baron Martin bear upon the cases I am now considering. In order that a gift or promise of any money or employment to a voter should be held to be bribery within the meaning of the 2nd section of the Corrupt Practices Act of 1854, the Statute requires that such gift or promise should be given in order to induce such voter "to vote," or "refrain from voting," or "on account of any voter having voted, or refrained from voting." The men alleged to be bribed by the foregoing employments and payments had long previously promised to vote for Mr. Dowse; their political opinions and feelings agreed with his; and (as I have already stated) I see no reason to doubt that they would have voted for him whether or not they had been so employed or paid; considering, then, that the charge of bribery is one which requires to be satisfactorily proved, I cannot, sitting here as a juror, come to the conclusion that any of those promises, or employments, or payments to which I have referred, were made or given for any of the objects or purposes which are prohibited by that 2nd section, or which would render them acts of bribery. There is, however, a matter to which I have to refer, not connected with the Report that I shall make to the Speaker as to the election being valid, but with what I shall have to decide on the question of costs. As a general rule, except there are special circumstances in the case, the costs of these petition proceedings would follow the result of the petition; but in this case, though the election was
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Londonderry.

not avoided or vitiated by the fact that several electors, who were employed for Mr. Dowse's election, and were paid for such employment, voted for him, it is clear that their doing so was a violation of the provision of the statute to which I have already referred. And it may be that the fact of those payments appearing in Peacock's book might so far have called for inquiry, and induced to some extent the presenting of this petition. That consideration, however, would not, according to my present opinion, affect the entire of the costs of these proceedings. I have for these several reasons (which I have given at some length) come to the conclusion that none of these charges of bribery has been sustained, and I shall accordingly certify and report to the Speaker, that the sitting Member, Richard Dowse, Esq., whose return is complained of by the petition in this matter, was duly elected and returned to serve in Parliament for the Borough of Londonderry; that no corrupt practice has been proved to be committed by or with the knowledge or consent of any candidate at said election; that upon the evidence before me it does not appear that corrupt practices have extensively prevailed at said election, and that there is in such evidence no reason to believe that corrupt practices have extensively prevailed at said election.

With regard to the question of costs, it will require some consideration on my part, and when I have decided the question, my registrar will communicate in Dublin with the agents for both parties. The question I have to consider is whether the entire, or any, and what portion, of the costs of the proceedings should be paid by the petitioners to the respondent.

FURTHER JUDGMENT delivered by Mr. Justice *O'Brien*, 16 February 1869.

Mr. Justice *O'Brien*.] WHEN giving judgment in this case at the close at the trial, I reserved the question of costs.

According to the general rule, the costs of these election petition proceedings should follow the result, but the 41st section of the statute shows that, under certain circumstances, such rule may properly be departed from, and it appeared to me that the fact of some of the persons who voted for Mr. Dowse having been employed on his behalf in various services for the election, and having been paid for such services, was a circumstance which might be considered as affecting, to some extent, the question of his right to costs.

Under the 8th section of the Irish Representation Act of last Session, c. 49, such persons were not entitled to vote, and were guilty of a misdemeanor for having done so, and it is clear that, on a scrutiny, their votes would have been struck off. In this case, however, it was not, and could not be, contended that the elections should be declared void on the mere ground that the votes of those persons were illegal under said 8th section; but petitioners contended at the trial, that having regard to the amount of such payments, the circumstances under which they were made, and to the nature and value of the services rendered by those voters, the payments to them should be considered as having been colourably and corruptly made for the purpose of securing their support, and as being acts of bribery. I was unable to concur in that conclusion, and (for the reasons I mentioned in my judgment at the trial) I did not think that the payments in any of those cases constituted an act of bribery; but I thought it requisite to consider how far the fact of such illegal votes having been given by persons paid for their services should affect my decision as to the costs or any portion of them.

I have, since the close of the trial, carefully considered this question. The entries showing the payments to those voters are contained in Peacock's books; Peacock died on the 10th of December; the petition was presented on the 15th, and it appears from Mr. Neilson's evidence as to his letter to Mr. Dowse of the 12th of December, and his interview with him on that day, that the petition had previously to that day been in actual course of preparation; and it further appears from Neilson's evidence, that those acting for petitioners had not any access to Peacock's books till some time after the petition was presented.

Under these circumstances, and considering the various other charges of bribery relied on by the bill of particulars, several of which were sought at the trial to be sustained by evidence that lasted a considerable time, it does not appear to me that, with respect to the general costs of the petition and proceedings, there is ground for holding that the respondent's right to them should be affected by any supposition that the petitioners, in presenting their petition, were influenced by the fact of these payments having been made, or for holding that the employment and payment of the voters in question should affect more than a portion of the costs of the trial, but, in my opinion, it does affect a portion of such costs.

The voting of such persons was, as I have already said, an illegal act, which is expressly and for obvious purposes of public policy forbidden by the Legislature. At the

Londonderry.

trial some time was consumed, and the length of the trial was to some extent protracted by the evidence given as to the employment and payment of the voters in question; and I think that the petitioners should not pay to the respondent the additional costs which were caused by the time necessarily occupied in such evidence, and which would not have been incurred but for the fact of those persons having illegally voted.

I have referred to the evidence for the purpose of ascertaining the portion of the costs of the trial which, in my opinion, should not (on the ground I have stated) be allowed to the respondent. The evidence relating to the employment and payment of the voters in question was given on different days, but occupied only a portion of each day; and the far greater part of each of those days was occupied in evidence as to other charges which were not sustained. I may observe that Deery was one of those persons, but the great portion of the time occupied by his examination related to the charge of Peacock having promised him 20*l.* for his vote, a charge which I considered to be altogether unfounded.

The conclusion, then, at which I have arrived upon a review of the evidence is, that the time occupied by the evidence as to the employment and payment of those voters may properly be estimated at two days, but certainly did not exceed that period.

Length thus, from what took place at the trial, the means of determining myself the length of time by which the trial was protracted by such evidence, I think it better that I should regulate the abatement of the respondent's costs by reference to that time than by a reference to the Master on the subject. Such reference would necessarily, from the nature of the case, involve questions difficult for the Master to determine, and would probably be attended with considerable delay and expense to the parties.

I shall therefore declare that the respondent is not entitled to the costs of the day for either of two days of the trial, viz., the fifth and sixth days, on which the principal part of such evidence as to the employment and payment of those voters was given; and I shall declare that, with that exception, the petitioner shall pay to the respondent the costs of the petition, the trial, and the other proceedings therein.

MANCHESTER ELECTION--(SPECIAL CASE).

Manchester.

JUDGMENTS delivered by Mr. Justice *Willes*, Mr. Justice *Montague Smith*, and Mr. Justice *Brett*, 6 May 1869.

Special case.

Mr. Justice *Willes*.] THIS was a Petition presented to the Court pursuant to the "Parliamentary Elections Act, 1868," praying that the election and return of Mr. Hugh Birley at the last Parliamentary election for the city of Manchester should be determined to be null and void, upon the ground that he was disqualified by the Act of 22 Geo. 3, c. 45; and the question arises in this way: Mr. Birley is a member of the firm of Messrs. Macintosh & Co., who are india-rubber manufacturers, and they had several orders from the Secretary of State for India, for goods to be supplied for the service of that office; and goods were supplied under contracts, and the contracts were fulfilled to the extent of all the goods being delivered, but the claim was not liquidated or settled as to amount in the first instance, until the 23rd of October 1868, when the goods which were delivered were finally accepted as being a complete fulfilment of the contracts, and nothing remained to be done under them except to pay the price which had become ascertained by the operation of the contract, and by the final acceptance of the goods supplied under it, and the satisfactory fulfilment thereof on the part of Messrs. Macintosh & Co. On the 23rd of October 1868, nothing remained to be done by Messrs. Macintosh & Co. to complete their part of the contract; and they then became creditors of the public (in so far as that expression may be properly used, without looking to the exact fund out of which payment would come) in respect of the price of the goods, and the only contract relation existing between them and the Government from the date of the 23rd of October, was the relation of debtor and creditor.

There was another contract which arose in this way; it arose upon an order given by an officer of the Broadmoor Lunatic Asylum. It appears that the Broadmoor Lunatic Asylum is an asylum for the reception of criminal lunatics, not so established under an Act of Parliament (which might perhaps be considered as notice to all the world that the Asylum was a Government establishment), but under a warrant bearing the sign manual, by which it was declared to be a public institution for the reception of criminal lunatics. Her Majesty having power under an Act of Parliament to issue such a warrant, it had become a public establishment, but by a process which was not patent, or which persons were bound generally to take notice of, and requiring evidence or proof of some sort in a court of justice, and not, under the circumstances, coming within the popular expression of a document that was notice to all the world. The Broadmoor Asylum

Asylum was not known to Mr. Birley or his partners, or to their agent, through whom the order was given to the firm for the goods, to be a Government institution, until after the election. When this first became known to them, the goods had not only been delivered but paid for. But before the election the asylum was in want of some india-rubber articles, described as "chambers," and the officer sent an order to Messrs. Macintosh for three dozen of them. That order was inquired after by a person who came on the part of the asylum to Messrs. Macintosh and Co.'s place of business, and he was informed that the goods would be sent. This is the construction which ought to be put upon the statement in the case that "the order was accepted." The value of the goods being under 10 £., that must be treated as a contract for the delivery of goods that had been ordered. Those goods were sent after the election, and after some correspondence the price appears to have been agreed upon and paid, which price was 7 £. 10 s.

These being the facts, the question is, whether Mr. Birley, at the time of the election, fell within the disqualifying statute of the 22 Geo. 3, c. 45. It was insisted on the part of the Petitioners that the Secretary of State for India, contracting for the Indian service under his control, was contracting for "a public purpose." It was also insisted that a person who had completely performed his contract with the Government, so that he had nothing to do but to receive the price, and nothing to hope for in respect of that payment, except receiving that which was his ascertained due, was still a contractor disqualified by the statute.

Each of those propositions was denied on the part of the Respondent. With respect to the order for goods, amounting to 7 £. 10 s., supplied to the Broadmoor Lunatic Asylum, there can be no doubt, I think, and it was hardly argued, but that that was literally a contract for public purposes. But the question raised with respect to that was, whether a mere casual order, across the counter, so to speak, given by a person not known to be a contractor for Government purposes, neither professing to be a Government agent nor supplying the means to the so-called contractor of knowing that he was so, whether a casual order of that kind given to and accepted by a trader who or whose agent is not aware either then or at the time of the election that he is dealing with the Government, comes within the prohibition of the statute. Those two cases must be disposed of separately.

With regard to the contract with the Secretary of State for India, the first question is one requiring, no doubt, a great deal of attention, and it might not be useful to express a judicial opinion upon it, except in a case in which it was necessary to dispose of it. Certainly the impression upon my mind at first was, and I cannot say that that impression has been entirely removed by Mr. Mellish's argument, that the Secretary of State for India being one of Her Majesty's principal Secretaries of State, a contract with him would be a contract for "public purposes." But I do not think it necessary to express an opinion upon that, because upon the second ground it appears to me that the contractor in this case is not within the statute of the 22 Geo. 3, c. 45, for before the election he had ceased to be a person holding or enjoying a contract under which anything was to be done by him, and he had been converted into a mere creditor of the Government, whose claim had been ascertained, and whose right was to receive his money. And as it appears to me it would be an injustice which we ought not to give effect to unless we found clear language in the Act to enforce us to say that a mere delay of payment on the part of the Government, the mere existence of the relation of debtor and creditor between the Government and the candidate, should have the effect of disqualifying the candidate. It appears to me very clear, when you come to compare the various terms of the Act with one another, in the different sections bearing upon this question, that it was not the intention of the Legislature—it certainly is not within the spirit of the Act, and it appears to me is not expressed by the Act—that the mere subsistence of the relation of debtor and creditor, which almost necessarily must have arisen out of some former contract, should itself effect a disqualification. If that were so, it would be impossible to avoid the absurdity suggested by Mr. Mellish, that the mere omission by the Government to pay a small sum of money, a small balance, to a contractor who had completely fulfilled his contract, either by reason of a dispute not adjusted until shortly before the election, or even by reason of the accidental leaving out of a few pence or pounds, should constitute the status of disability. If that absurdity is created by the Act, of course we have no other duty as judges but to adopt it, but we have the preliminary duty of being quite sure that the Legislature did intend such a state of things, before we pronounce it to be law.

Now this Act of the 22 of Geo. 3, c. 45, dealt with two classes of persons. It dealt with persons to be elected in future Parliaments; and it also dealt with persons who were in the House at the time, and who might have contracts with the Government; and the first piece of information as to what the Legislature intended I think may be derived from comparing the first section, which deals with candidates for Parliament, with the second section, which deals with the Members in existence. The Legislature also, in section 6, deals with the case of persons to whom contracts may come, either by the acts of others over which they had no control, or by acts such as marriage, happening in the ordinary course of life, and as to which special provision is made by that section. That section also appears to throw light upon the matter. Then comes the 7th section, which further deals with the case of Members having contracts unexecuted, giving power

Manchester.

Special case.

Manchester.

Special case.

to put an end to them. Lastly, there is the 10th section, reference to which also should be made.

The 1st section, "for further securing the independence of Parliament," says that "from and after this present Session any person who shall directly, or indirectly, himself, or by any person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission, made or entered into with, under, or from the Commissioners of His Majesty's Treasury, or the Navy, or Victualling Office, or with the Master General, or Board of Ordnance, or with any one or more of such Commissioners, or with any other person or persons whatsoever for or on account of the public service, or shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission, which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandise to be used or employed in the service of the public, shall be incapable of being elected, or of sitting, or voting, as a Member of the House of Commons during the time that he shall execute, hold, or enjoy, any such contract, agreement, or commission, or any part or share thereof, or any benefit or emolument arising from the same."

Reading that section by itself, with the light of the preamble, that this was an Act "for further securing the freedom and independence of Parliament," and finding that the specific provisions in the section seem to point to the execution of a contract with Government, having a contract open, as it were, with Government, which, it was supposed, might interfere with the independence of the contractor; and looking at the words "execute, hold, and enjoy, any such contract, agreement, or commission," they seem to point to the case of a man having a contract under which he was to derive some future benefit from dealing with the Government, in respect of which they might control him, as, for instance, by directing their officers not to look closely to the sort of goods he sent in, or the like. I should, however, be strongly disposed to come to the conclusion that a person cannot be said to "execute, hold, or enjoy" a contract, when the only thing he could be said to enjoy is the state of not being paid money in respect of something which he has completely done at some former time, and for which he ought to have been paid, if that were the course of business, on the spot, and at the instant. The state of not being paid a debt, arising out of a contract completely executed by the contractor, as to which nothing remains for him to do but to take the money when it is offered to him, could not be properly said to be an "enjoyment of a contract, agreement, or commission." As there is not in the Act any general provision that a public creditor shall not be a Member of the House of Commons, I should have thought, even if that first section had stood alone, that it would be wrong to come to the conclusion that the mere fact of the Government owing a person a debt should disqualify that person, though it were proved there had been previously a contract under which the debt accrued.

The second section seems to point in the same direction: "That if any person being a Member of the House of Commons shall directly or indirectly himself, or by any other person whatever in trust for him or for his use and benefit, or on his account, enter into, accept of, agree for, undertake, or execute in the whole, or in part, any such contract, agreement, or commission as aforesaid; or if any person, being a Member of the House of Commons, and having already entered into any such contract, agreement, or commission, or part or share of any such contract, agreement, or commission by himself or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, shall after the commencement of the next Session of Parliament continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such person in the House of Commons shall be and is hereby declared to be void." It would certainly be a violent conclusion, as it appears to me, to arrive at, that if a person at the time of the passing of this Act happened to be a contractor who had fulfilled his contract, and to whom it only remained that the Government should pay what was due to him for what he had supplied, and such a person, through there being some dispute as to the amount due to him from the Government, should be kept out of his money till the commencement of the next Session of Parliament, that thereupon, for no fault whatsoever, and in respect only of the delay of payment, his seat should become void. That seems a confirmation of the conclusion that the mere fact of indebtedness of the Government to a candidate is no disqualification, because the same class of things is dealt with in these two sections. It would be a strong conclusion to come to, that every person who was a creditor of the Government, and was not paid before the beginning of the next Session, should cease to be a Member. That would tend rather in an opposite direction to the declared purpose of the Act, namely, to destroy, not "secure the freedom and independence of Parliament"; because (if such a thing were conceivable) if there happened to be two contractors in the House, the one a supporter of the Government, and the other not, a delay of the Treasury might make the difference of one of them being unseated under the second section, and the other retaining his seat; that would be a strange conclusion.

I pass over the third section with respect to incorporated trade companies; and the fourth, as to contracts to expire within a year. Then comes the clause as to contracts which are not to expire until a year's notice be given; that is worth referring to. The fifth section provides that "Where any contract, agreement, or commission has been made, entered into, or accepted, with a provision that the same shall continue until a year's notice be given of the intended dissolution thereof, the same shall not disable

any

Manchester.

Special case.

any person from sitting and voting in Parliament until one year after the said notice shall be actually given for the determination of the said contract, agreement, or commission, or till after 12 calendar months, to be computed from the time of passing this Act." That is quite inapplicable to the case of a mere creditor, unless it were to be supposed that he was to give up his debt as a condition of remaining in the House.

Then the sixth section rather alters the language as to time or duration of the first section, although it means to express the same idea; because it says, "That nothing herein contained shall extend, or be construed to extend, to any person on whom, after the passing of this Act, the completion of any contract, agreement, or commission shall devolve by descent or limitation, or by marriage or as devisee, legatee, executor or administrator, until 12 calendar months after he shall have been in possession of the same," that is, of the contract. That looks very much like a contract to be completed; a contract under which something was to be done beyond the mere payment of money, being the sort of contract which was intended by the Legislature to be a disqualification.

The seventh section of the Act was applicable to the then Members: "That any person who is now a Member of the House of Commons and holds and enjoys any such contract, agreement, or commission as aforesaid, may be discharged from the execution thereof on giving 12 months' notice to the person or persons with or from whom such contract, agreement, or commission is made, entered into, accepted, of his desire that the same shall cease and determine; and such contract, agreement, or commission, after the expiration of the term aforesaid, shall be null and void."

Those are the sections which, as far as I can understand this Act, apply to this branch of the case. I say as far as I can understand, because we can find no contemporaneous exposition of it, as bearing upon this particular question, either in our own courts, or, as far as they have been brought under our notice, by the Parliamentary Committees. My brother Brett reminds me that I have used perhaps too large an expression; I did not mean to do so. There have been several cases, I am aware, upon the construction of the Act of Parliament; but what I meant to say was that there was no case cited at the bar, and I have taken some pains to inform myself as to whether there were any decisions of the Parliamentary Committees with respect to cases in which the existence of the relation of debtor and creditor alone had been held to keep the contract open, so that the fact of the candidate being a simple creditor at the time of the election was held to be a disqualification. I certainly have been unable to discover any such decision. All I meant to say was that there is no decision bearing upon that point. In our own courts the only decision that I know of, which, however, does not at all apply to the circumstances of this case, is the case as to the colonel of a regiment, reported in "*Brodrick & Bingham*." And among the decisions of the Parliamentary Committees there is no decision that I know of that comes up to this—that the mere relation of debtor and creditor, arising out of a contract, disqualifies the candidate who continues to be a creditor of the Government at the time of the election, although nothing remains to be done except payment. That completes all I have to say upon the question arising out of the contract with the Secretary of State for India.

But then there is to be disposed of the second question, whether the accepted order for the utensils for the Broadmoor Lunatic Asylum, is to be considered as a disqualification in this case. I must take it that the goods were ordered for the service of the Government, because they were ordered to be used at the asylum for criminal lunatics; but they were ordered in this way, not under a formal tender and acceptance by the Government, which would ordinarily take place in the case of a contract, popularly so called, and which did exist in the first class of contracts referred to; but simply by the officer of the Broadmoor Lunatic Asylum writing an order to the place of business, "Send down three dozen chambers," and by somebody calling at Messrs. Macintosh's about those things, and being told "They will be sent as you ordered them." In this case there was an entire absence of any notice to Messrs. Macintosh that the goods were ordered for, or on account of the public service. They were ordered by a person who professed to be an agent for the Broadmoor Lunatic Asylum. It is found in the case that it was at a very late period, I think after these proceedings were commenced, that Messrs. Macintosh became aware that the Broadmoor Lunatic Asylum really was a Government establishment. The contract in the first instance was made with the person who sent the order. The question, therefore, whether a casual isolated order for goods, which was unknown to them to be an order from Government, such an order (as the Lord Chief Justice said yesterday) as was only equivalent to a person going into a shop and asking for a macintosh, which he was entitled to receive as an officer of the Government, and which he was allowed to buy where he pleased, and which would be charged to the Treasury, whether that falls within the meaning of the Act. It certainly does fall within the letter of the Act, assuming that no importance is to be given to the circumstances of the casual nature of the order, together with the entire absence of knowledge, or of means of knowing, that it was given on account of the public service.

That raises a question upon the construction of the Act as to whether knowledge, or means of knowledge, be an essential condition to disqualification. In dealing with that, it is right to look to the Act. The Act contains not only a highly penal provision in respect of forfeiture of the seat, and a penalty upon any Member who sits in violation of the Act but also an enactment, "That in every such contract, agreement, or commission, to be

Manchester.

Special case.

made, entered into, or accepted as aforesaid, there shall be inserted an express condition that no Member of the House of Commons be admitted to any share or part of such contract, agreement, or commission, or to any benefit to arise therefrom;" a provision which surely would not be seriously employed in an order for three dozen chambers for the Broadmoor Lunatic Asylum, by some officer of the asylum entrusted to give that order, to the extent of 7*l.* 10*s.*, which is the price of those articles. Unquestionably, if this provision was intended to be imperative upon the person dealing with the Government, there were in such a case no means of carrying it into effect. If it was intended to be imperative upon the officer of the Government, it seems hardly applicable to dealings for so small an amount that the ordering of the things is left to the discretion of inferior officers, who would, in ordering them, give no notice that they were dealing for the Government, any more than if they went in and bought and paid for the goods across the counter. The 10th section proceeds, "And that in case any person or persons who hath or have entered into, or accepted, or who shall enter into or accept, any such contract, agreement, or commission, shall admit any Member or Members of the House of Commons to any part or share thereof, or to receive any benefit thereby, all and every such person or persons shall, for every such offence, forfeit and pay the sum of 500*l.*" Now would Messrs. Macintosh, if Mr. Birley had at the time been a Member of the House of Commons, upon taking this order of the Broadmoor Lunatic Asylum, without knowing the public creditor who was behind the Broadmoor Lunatic Asylum, be liable to pay this penalty of 500*l.*? I answer, unhesitatingly, that that would be one of those cases in which it would be necessary to read into the 10th section the words, "knowingly and willingly," which are inserted in the 1st section, and which indicate the intention of the Legislature that knowledge should be a condition of the penal consequences which are to follow.

The same sort of provision is made in the 9th section, which refers to the Members themselves, and I need not go through the same course of reasoning as to the language of the 9th section. It is open to the same sort of remarks as the 10th. The only word necessary to be noticed is the word "presume." It seems to me to imply not a mere ignorant act, but an act in which a person knowingly takes upon him to do that which the law says shall not be done under the circumstances.

I do not know that it is necessary that I should make any further observations upon the Act, in order to explain the reason why I have come, in my own mind, clearly to the conclusion that, in respect of the first class of contracts now in question, Mr. Birley was not disqualified by the Act of Parliament because the contract had been completed and fulfilled by his firm, the amount of money due had been ascertained, and the debtor was the Government. And without resorting to the presumption of law that the Government will fulfil to the letter the obligation imposed upon them by the law (I need not cite authorities for that, though there are authorities in the books for it), without resorting to that presumption, it is enough to say that there is no sensible reason for disqualifying a man simply because he happens to have money due to him by the Government which is not paid him; and there is nothing in the Act of Parliament which compels us to arrive at such a conclusion. I will only add, in conclusion, with regard to the second question, that I am the more satisfied it must have been the intention of the Legislature that such a casual acceptance of an order as this, without knowledge that it was for the public service, should not work a disqualification, and that the Act should apply only to cases where contracts in the ordinary acceptance are entered into with knowledge, or at least means of knowledge, because one can hardly conceive a case of a Government contract to which this Act would in substance at all apply, unless under circumstances in which the person dealing with the Government officer knew, or had the means of knowing, that he was dealing with the Government. There is no ground whatever for extending the construction of the Act to embrace any other case.

I am desired by the Lord Chief Justice, who I regret to say is unable to attend to-day, to add, that he concurs in the view which I have stated. Our judgment is for the Respondent.

Mr. Justice *Montague Smith*.]—I am of the same opinion. It is contended that Mr. Birley is disqualified from being elected as Member for the City of Manchester because he was a partner in the house of Messrs. Macintosh & Co., which, at the time of the election, held two contracts with the Government; first, with the Secretary of State for India in Council; and secondly, a contract to supply the Broadmoor Lunatic Asylum with certain articles.

Now, first, as to the contract with the Secretary of State for India in Council, I think it is unnecessary, in the view we take, to decide whether such a contract with the Indian department of the public service is within the meaning of the 22nd of George the Third. It is a question which will require serious consideration when it becomes necessary to decide it, and I desire to express no opinion upon it. But I decide the case, so far as regards the contract with the Secretary of State for India in Council, upon the ground that that contract, at the time of the election, was no longer executory. Nothing remained to be done upon it by Messrs. Macintosh & Co.; the goods ordered had been delivered, and no more remained than for the Government to pay the price which, so far as I understand it, was then overdue.

Looking at this Act of Parliament, and the general tenor of it, it certainly is very strongly

Manchester.
 Special case.

strongly in my mind that the Legislature intended its legislation to apply only to contracts of a continuing nature—to contracts which had some duration, such as contracts for building works, or contracts for a recurring supply of goods. I do not say that a contract for a single supply of goods does not come within the terms of the Act of Parliament. But I think, looking not only at the first clause, but also at the other clauses of the Act, it very plainly appears that the statute did not mean to disqualify a contractor unless the contract was in an executory state on his part, that is to say, that something remained to be done by him, and that in no other way can the Act of Parliament be properly construed.

The first section is this, "That from and after the end of this present Session of Parliament, any person who shall directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission made or entered into with, under, or from the Commissioners of His Majesty's Treasury, or of the Navy or Victualling Office, or with the Master General or Board of Ordnance, or with any one or more of such Commissioners, or with any other person or persons whatsoever, for or on account of the public service."

Now the words "undertake and execute" clearly apply to undertaking a contract, and executing a contract, in which something is to be done by the undertaker; the other words "hold and enjoy" may have been added to meet cases where the contractor does not himself execute the contract. It seems to me they refer to holding a contract or enjoying a contract under which something has to be done by the contractor, either one act or recurring acts, and that he is only disqualified "during the time" he shall execute, hold, or enjoy any such contract. The words "during the time" clearly show that Parliament was contemplating a contract which would endure for some period of time, and that during that period of time something was to be done on the part of the contractor.

The 4th and 6th clauses clearly point to contracts having some duration in point of time, for the performance of that which the contractor was to do under them. The 4th section is "That nothing in this Act contained shall extend or be construed to extend to any contract, agreement, or commission made, entered into, or accepted before the passing of this Act, the term whereof will expire in the space of one year from the time of making thereof." That clearly points to a contract having some long duration in point of time. And the 6th is to the same effect, "That nothing herein contained shall extend or be construed to extend to any person on whom, after the passing of this Act, the completion of any contract, agreement, or commission shall devolve by descent or limitation or by marriage, or as devisee, legatee, executor, or administrator, until 12 calendar months after he shall have been in possession of the same;" that is to say, in possession of some contract under which something was going on.

I think the whole scope of the Act points to contracts of that continuing kind, but I repeat, that I do not say that if there is a contract for a single supply of goods that contract is not within the Act, so long as it remains to be performed on the part of the contractor; he having to supply the goods, and the Government having a right to reject the goods, or to find fault with them. But when the contract is no longer executory on the part of the contractor, and he is turned into a mere creditor of the Government, I do not think he can be any longer said "to undertake, hold, or enjoy," a contract within the meaning of this Act of Parliament. The consequences of holding, otherwise, would be that a man might be disqualified from entering Parliament by the misfeasance of the Government in not choosing to pay a debt which was owing to a person who had supplied goods to them; and, as my brother Willes said, it would be twisting the Act so as to produce the very mischief which it was seeking to prevent, namely, giving the Government control over a man, and enabling them at their discretion, by paying him or not, to determine whether he should enter Parliament or not. I think we ought not to put a construction upon the clause which would lead to such a consequence, unless we are compelled by plain and direct words so to do. On these grounds, therefore, and these grounds only, I come to the conclusion that Mr. Birley was not disqualified by reason of Messrs. Macintosh & Co. being unpaid for that single supply of goods at the time of the election from being elected a Member for the city of Manchester.

With regard to the goods that were supplied to the Broadmoor Lunatic Asylum, the facts really come to this:—It is true that there was the form gone through of a written order from the superintendent asking for a tender, and there was an answer sent; but it really comes to no more than if the superintendent of the lunatic asylum had gone to the shop of Messrs. Macintosh & Co. and ordered three dozen of those articles, which were not supplied till after the election. It may be that this is a contract within the very terms of this Act, though, as I have already said, I very much doubt whether it was in the contemplation of those who passed this statute that such a transaction should be deemed a contract within the meaning of this enactment. However, assuming that it is, I am clearly of opinion that where the order is not given by some recognised Government officer, so that the fact of his giving the order is itself notice that it is an order on behalf of the Government, but where it is consistent with the manner in which the order is given, that it may have been given on the part of a private person—where, in point of fact, the person of whom the goods are ordered does not know that the order is given on the part of the Government—in such a case the person supplying the goods is not disqualified by this Act. I think there must be a contract with the Government on the part of the

person

Manchester.

Special case.

person sought to be disqualified, which is known by him to be a contract with Government. Now here it is found, in point of fact, that Mr. Birley and his partners did not know that the order was given on the part of the Government; and there is every reason, upon the facts, for coming to the conclusion that the order given by the superintendent was not one which, upon its face, gave any notice to the person receiving the order that it was given on behalf of the Government.

I confess I am very glad that, upon this last contract, we are able to come to this conclusion, because it seems to be monstrous that the representation of one of the largest cities in the kingdom should depend upon the question whether the candidate was a partner in a firm which had engaged to supply articles so small in value (7*l.* 10*s.* only) that the contract might be made without writing. The Statute of Frauds regards contracts of sale under 10*l.* of so little consequence, that they may be made by word of mouth; still it might certainly happen, if the construction of the Act contended for is to prevail, that upon an order for goods under the value of 10*l.*, given verbally, if it had not been executed at the time of the election, a partner in a large house would be disqualified.

I cannot help thinking that it would be very desirable that this Act should be revised, because it certainly appears to me to be totally inapplicable to the present state of commerce and trade; and that it really provides pitfalls into which men who mean to walk uprightly may unwittingly tumble. I think Mr. Birley is entitled to keep his seat.

Mr. Justice *Brett*.] The questions are—What is the construction to be put on the first section of this Statute? And, How is that section to be applied to the two cases before the Court?

Now, as to the construction of the Statute, it seems to me that the first thing to be considered is, what is the canon of construction which is to be applied as to the circumstance of disqualification? Is the canon to be that which is to be applied to a highly penal statute? That seems to me to depend on the ninth section. In the ninth section there is disability spoken of twice in the same terms, and there are two results which are applied to that disability. In the first part of the section it is said "that if any person hereby disabled or declared to be incapable to sit or vote in Parliament, shall nevertheless be returned," the election shall be null and void; and in the second part of that section, using exactly the same words as to disability and incapacity, says, "And if any person disabled and declared incapable by this Act to be elected, shall after the end of this Session of Parliament presume to sit or vote," he shall be subject to the penalty of 500*l.* for every occasion of his sitting or voting in Parliament. Now, inasmuch as the same words are used, it does seem to me that whatever are the necessary incidents in order to make the person liable to the penalty of 500*l.* are also necessary incidents in order to make the election void. If, for instance, knowledge is a necessary incident in order to make the person liable to the penalty, it is also a necessary incident in order to make the election void. Therefore it does seem to me that the section, and indeed the whole Act, are to be construed as of a highly penal character.

If that be so, then the points raised in this case on this first section are, first, With whom is it necessary that the disqualifying contract should be made? On the one side, it was said that it might be made with a person who is an officer or agent of the Government to make contracts, the payment for which must be voted by the Parliament of Great Britain. On the other side it was said that all that was necessary was that the contract should be made with an agent of the Government, but that it was no necessary part of the matter that the payment shall be out of the public funds of Great Britain. I confess I am inclined to think that the latter is the right view; and I should incline to think in this case, that the Secretary of State for India is an agent of the Government. He is so much an agent of the Government that upon taking office he vacates his seat and is obliged to go to a new election. I should have thought it immaterial to say that any contract which he makes must be paid out of a particular fund—that is, out of the revenues of India; because otherwise it would seem to me that the mischief pointed at in this Act might be committed with impunity; that is to say, the Government might exercise very considerable influence over the independence of Parliament by means of the revenues of India; but I quite agree that it is not necessary for the Court to give any opinion upon that subject in this case.

Then the next point is whether it is necessary that at the time the person is elected, the contract, even supposing it is made with the Government, should be in some part executory. That depends upon the view to be taken of the first section with regard to that point. Now the first part of that section applies to the case of making or holding a contract. It says, "any person who shall undertake, execute, hold, or enjoy any contract, agreement, or commission." I should have thought that "undertaking" a contract is entering into it, and to "execute" a contract is to do that which may be done by a person who takes upon himself the execution of a contract not originally made with him, and that to "hold a contract or agreement" was meant to apply to the case of a possible transfer of an agreement which had been previously made with some other person; and that the word "enjoy" is really meant to apply to the case of a person with whom the contract was not made, but who as *Cestui que* trust is to enjoy the benefit of it.

But then the Act says, that any person shall be incapable of being elected, or of sitting in Parliament, "during the time that he shall execute hold, or enjoy" any such contract. Now the words "that he shall execute," seem to me to mean that he shall be
executing,

Manchester.
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 Special case.

executing, that is, be in a position to be called upon to execute ; and, if so, the "holding and enjoying" must be holding and enjoying a contract in the sense of a contract which the holder may be called upon to execute, or under which there may be something still to be executed. I think that such an interpretation might fairly be given from what appears in that section itself. But when you look at the second section, and interpret it by the seventh section, I think the argument becomes much stronger, because the words in the second section are the same as those used in the first, though the second section applies to the case of a person entering into such a contract, not before he is elected, but after he has become a Member of Parliament. It says, that if any person, being a Member of Parliament, "shall enter into, accept of, agree for, undertake, or execute" (the same words as in the first section) any contract, he shall be disabled ; or, "if any person shall, after the commencement of the next Session of Parliament, continue to hold, execute, or enjoy the same," he shall be disabled. Therefore, you have here the same words as in the first section ; and if the contract here contemplated is a contract which is still executory, it does seem to me that the contract contemplated by the first section must also be an executory contract. Now the seventh section deals with the case of persons who, being in Parliament at the time this Act was passed, were disabled by reason of the words used in the second section. It pointed out to those persons a means of getting rid of the disability. But the seventh section clearly contemplated that the contract from the disability under which they could escape was still an executory contract. It seems to me, therefore, strong to show that the contracts contemplated in the second section are contracts still executory ; and the tenth section would seem also to carry out the same view. And, as I said before, if the contracts under the second section are to be considered as executory contracts, then, as it seems to me, the contracts under the first part of the first section must also be considered executory.

The next question of construction is, whether the first part of the section requires that the contract there mentioned should be entered into, or be in the course of execution, with knowledge that it is with the Government ; it was argued that it does not, because it was said, there are no words in the first part of the section importing that necessity, whereas the second part of the section is introduced by the words "or shall knowingly and wilfully furnish."

But the first part of the section seems to be pointed to the case of entering into a contract, and the case contemplated in the second part of the section is not of entering into the contract, but of carrying out the contract. Mr. Manisty argued, that the second part of the section was intended to apply only where a person had entered into a contract and had given it up, and should nevertheless afterwards go on and act in pursuance of it. But considering how highly penal this Statute is, it seems to me that the more favourable construction would be to say, that the first part applies to contracts knowingly entered into with the Government, and that the second part applies to a case where a contract may have been entered into with the Government in fact, but without the knowledge of that fact by the contractor, but where afterwards knowledge has come to him that it is with the Government, and he nevertheless has gone on, and has insisted upon executing it. If that be so, knowledge is required under the first part of the section just as well as under the second part.

If such be the true construction of the section, then we come to the facts of the present case.

In the case of the first contract that was brought under the notice of the Court, it must be considered that it was a contract for the supply of goods to be paid for by cash payment. There was no credit. There was indeed power under the contract for the Government to object to the goods when delivered, but the goods had been supplied, had been delivered to the Government before the day of election, and the Government had accepted them as satisfactory. Therefore, everything which either party had to do under the contract was complete, the credit had expired, and nothing remained to be done but the payment of the money. The contract was so far complete, that under the circumstances, the credit being expired, it would not be necessary for the creditor to sue upon the contract. If he had to sue for payment of the money, he could sue as upon an executed contract for goods sold and delivered. Such a case has always been considered as the case of an executed and completed contract, completed and executed by both parties ; and therefore, as it seems to me, such a case is not within the Statute.

Then as to the case of the Broadmoor Lunatic Asylum, I think the objection to Mr. Birley fails, because it is distinctly stated, that not only he did not know that there was a contract with an agent of the Government, but he actually did not know that any contract had been made ; therefore, I think that the objections in respect of both contracts fail.

I must say, that when one considers the results of a contrary decision in both cases, it does seem almost impossible that the Court could hold otherwise than it is about to do ; because, if the first objection were a good objection (as has been already pointed out), the Government might, in the case of any person who has supplied the Government with goods, and where nothing remains to be done but for the Government to perform the simple duty of payment, keep a person out of Parliament for ever, simply by not paying him.

In the second case (as was pointed out by Mr. Mellish), if the traveller of a great firm in England is persuaded to take an order from a person whom he does not know to be an agent

Manchester.

Special case.

of the Government, although none of the principals of that traveller know even that the contract has been entered into, much less that it is with the Government, it would follow, if this objection is good, that any member of that firm, if he is elected to Parliament, although he knew nothing of the matter until after he was elected, or, perhaps, until after he had sat in Parliament for six months, would find his election void, and, according to my view of the matter, would find himself liable to be fixed with penalties for every day he sat or voted in Parliament during those six months. The injustice of such a construction of a penal Act seems to me to fully justify the Court in both points of interpretation which they have come to.

I will only further say that the view which the Court now takes is not at all inconsistent with the decision of Parliament in the case of Sir Sydney Waterlow, or with the decision of Parliament in the Leominster case, because in both those cases there was at the time of the election something yet to be done, the contract was still executory, whereas here the contract was, as it appears to me, complete and exhausted.

Mr. *Manisty*.] I take it for granted that the Respondent will not ask for costs in this case, because the Petitioners were advised that it was a doubtful matter, and they thought it more expedient not to proceed, and did not pay the deposit; but Mr. Birley also thought it so doubtful that he was very desirous that it should proceed. I am quite sure the Respondent would not ask for costs in such a case as that.

Mr. Justice *Willes*.] All we say under the circumstances is, we have come to the same conclusion that we did in the case yesterday, that we ought to give the costs to the successful Respondent. That is the only form in which the question comes before us at present. We ought, unless there are very peculiar circumstances, to give the costs to the successful Respondent, and, in this case, if Mr. Birley chooses to ask for costs, we are prepared to award him costs; but I think it must be left to him to determine whether the circumstances are such as will induce him to abstain from doing so.

Mr. *Manisty*.] I think the other side will admit that those are the facts.

Mr. Justice *Smith*.] It is really for him, if he likes to forego them, to say so.

Mr. *Manisty*.] At all events, they do not ask for them, and I should be very much surprised if they did.

Mr. Justice *Willes*.] If Mr. Mellish asks for costs, we are disposed to give costs. That is all we say at present. That of course is not a matter to argue.

Mr. *Manisty*.] No, my Lord, I feel that.

Friday, 7 May 1869.

Mr. *Mellish*.] In the Manchester election case, in which your Lordships gave judgment yesterday, I am instructed on the part of Mr. Birley to ask your Lordships for costs. I understand that your Lordships said that if we applied for them we should have them.

Mr. Justice *Willes*.] You ask for costs?

Mr. *Mellish*.] Yes, my Lord.

Mr. Justice *Willes*.] The Court is of opinion that your client is entitled to costs.

NORFOLK (NORTHERN DIVISION) ELECTION.

JUDGMENT delivered by Mr. Justice *Blackburn*, 24 May 1869.Norfolk
(North Division).

Mr. Justice *Blackburn*.] It is quite true, as my Brother Ballantine has just said, that necessarily during the progress of this inquiry, having the evidence before me, and thinking of it, I had, to a considerable extent, made up my mind before hearing the counsel on either side. I could only try to keep my mind open until I had heard them; and when they called my attention to anything which was new to me, or which I had forgotten, or to any matter giving me ground to think that I had made any mistake, to consider it. But, except so far as what they have urged may have that effect, undoubtedly I had made up my mind to a very considerable extent; and I am now prepared to give my judgment at once, and to state what I think upon the case.

Now it is to be observed, first, that the petition is against both the sitting Members. In ordinary cases the seat of each Member would be dependent upon himself alone, unless there was something to show that the two Members had made common cause. As a general rule, in election matters it is not merely what the candidate himself does, but also what he does by his agents, which avoids the election, even though the agent has gone much further than was intended by the candidate. It is a general rule in election matters that if the agent does a corrupt act, though quite unintended upon the part of the candidate, it will vacate the seat. I have not had much opportunity of reading the different judgments delivered by different judges; but since I have had the opportunity of considering them, I find, as far as personal observation enables me to say, that they have all agreed very closely on what is the law on these different matters, though of course the difficulty is to apply the law to the facts in the different cases. Upon this particular matter about agency, I find the Scotch judge (Lord Barcaple), in the Greenock case, lays down the rule in exactly the same way as I should myself lay it down. I cite what is laid down by a Scotch judge, as showing that a Scotch lawyer has come to exactly the same conclusion as the English judges have come to; and I prefer taking it in his words rather than my own. He says, talking of agency, "I think that there are three principles applicable to three kinds of matters. There is, first of all, the strictest of all principles, that which is applicable to a criminal charge; and there you are responsible for nothing at all except your own individual guilt. That is a thing consistent with ordinary common sense. There is, then, the principle that is applicable to actions of a civil kind, raised against a party on the ground of a wrong done, and in which it is proved that the wrong was done by the defender's agent, that is to say, a person employed by the defender while he was doing the thing which he was employed to do. But there comes in the principle that he was employed to do the particular work, and that he was not employed to do the wrong. Then there is the third class of cases, with which we are at present engaged, where, in these election petitions, it being proved that a candidate is having his election carried on by a committee, or by certain canvassers, those canvassers do something which, if the candidate is responsible for it, will invalidate the election, and it is held that he is responsible for it in the sense of making the validity of the election depend upon it. I do not see how these election petitions would be of the least use otherwise, because I suppose that there are very few candidates indeed who undertake the practice of corruption by their own hand. I presume there are equally few candidates, or very nearly so, who ever say to their agents that they are to proceed corruptly in the matter." That is the passage at page 97 in the Blue Book which I am quoting from, in which Lord Barcaple lays down three classes, and points out where agency in an election petition differs from agency in other matters. He does not say, and he has no occasion there to say, what constitutes agency, which is a difficult question, and upon which, where it becomes necessary to inquire into it in the present inquiry, I will make any observations that occur to me as material.

Now, that being so, we have to see was there any corrupt act practised by the agent of the sitting Members, either or both. It happens that in this case Major Walpole and Sir Edmund Lacon have stood jointly; they have chosen to what we commonly call coalesce. They united in a canvass, and in fact have made each an agent for the other, and they have chosen to stand or fall together; consequently, if any corrupt act is shown to be done by an agent appointed by one Member, it will affect both. Such are the consequences of a coalition. A candidate is not only responsible for his own individual agent, but, having made a coalition, he becomes responsible for the acts of the agent of the other candidate with whom he has coalesced. Major Walpole, therefore, as far as those matters are concerned, is exactly in the same position as Sir Edmund Lacon. If a corrupt act is brought home to the one, both are unable to hold their seats.

There is, however, another point in the petition that is included here, namely, the new enactment, which says that wherever a Member employs, "personally engages" is the phrase that is used, a person who has been scheduled or declared guilty of corrupt

Norfolk
(North Division).

practices, then he has done that which defeats his seat; the Act (whether wisely or unwisely it is not for me to consider) has pointedly and markedly said that that shall be proved against the Member personally; by which I understood it to mean, proved, as in that first class where Lord Barcaple says, as in criminal cases, a person is responsible for his own individual guilt and not otherwise, it must be proved to that extent. That being the case upon that head of the inquiry, necessarily and essentially the two Members stand quite in separate positions; it must be proved against either of them personally. The proof personally against the one does not prove it personally against the other; so that so far as that is concerned, their cases are necessarily separate.

That much I have said at the beginning, and now I have to proceed further and to see whether any corrupt act is brought home to any of the agents, for whom the Members are responsible, and in considering that, it depends very greatly indeed upon the Corrupt Practices Prevention Act, and the true construction of it. That Act is about to expire. If I recollect right, it expires, unless renewed, at the end of the present Session of Parliament. But there is no doubt whatever that when it does expire it will be brought before the Legislature to consider whether it is to be renewed or not, and if it is to be renewed, what must be the modifications. Therefore, it is of very considerable importance that it should be known what construction the judges who have to deal with these election matters have put upon the statute as it at present stands. If, on the one hand, the Legislature, when considering the statute with a view of renewing it, consider that the construction which the judges have put upon it goes further than their intention, they will have an opportunity in any renewed Act of putting in words to say that it shall not go so far. If, on the other hand, they think that the construction put upon it by the judges is too narrow, and that it does not go so far as they intended, there will be an opportunity of putting in some words in order to explain the intention to carry it further. Whatever intention they express, there is no doubt whatever that the judges will be bound, as it is their duty, to carry out the intention of the Legislature. Therefore, I will for that reason express at rather more length than perhaps is quite necessary for the mere explanation to the particular parties here, my views upon the construction of this statute as far as it bears upon the present case; and with a view of doing that, I think it will be convenient to follow the course that has been taken in producing the evidence, and to treat the matters separately in that order, without more regard to the order in which they are in the statute. The first class of cases brought forward in the evidence, and which I will take first, are those which it is said proved that there had been undue influence exercised by agents, for whom the Members are responsible. That offence of undue influence is created and defined by the statute, the 17th and 18th Vict. c. 102, of the Corrupt Practices Prevention Act, section 5; and the only part which I have to consider here, is the first part: "Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction by himself, or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person in order to induce or compel such person to vote, or refrain from voting"—then come some other points which I will not read—"shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanour, and in Scotland of an offence punishable by fine or imprisonment, and shall also be liable to forfeit the sum of 50 l."

Now, the first thing to consider is, what is the true meaning and construction of that Act. I think there can be no doubt when you look at the earlier part of it, which I have already read, that it is meant and intended to say, that where there is any force, violence, or restraint, or any threat of injury, or any injury, those are cases which of course would embrace all the cases where a wrongful act is threatened; but I do not think the Act is at all confined to that. I feel no doubt at all where a person, in order to prevent another from voting, or to force him to vote, either beats him or threatens injury to his person, or breaks the windows of his house, or threatens injury to his house, or the like, that is what is here called undue influence. But I do not think it is confined to that; where such a thing is done, and it is brought home to the agent, it avoids, according to my view, the election.

Just immediately before I came down here, in the case of Stafford, I was obliged very much against my will to put that doctrine in force, when I was convinced that Mr. Pochin, the sitting Member, had come down to a very corrupt borough, and had by a sort of direction on his part, prevented corruption upon his side, and hindered the other side in consequence from exercising corruption to any great extent, and in fact saved the borough from a commission. Of course I thought it highly meritorious upon the part of Mr. Pochin, and I was very sorry to have to decide as I did, but it was proved to my satisfaction that an agent of his, a man he had employed, a paid agent, did hound on a mob to beat and molest people on the day of the election so as to terrify men from coming to vote. I could not, according to the rule of law which has been laid down, say that because Mr. Pochin had been a meritorious man I would preserve his seat, and I was obliged to come to the conclusion that he had by his agents been guilty of undue influence, and consequently I had to unseat him. That was a case where the injury was a wrongful and violent injury. But I think the section is not at all confined to that. It goes on to say, if he shall inflict, or threaten to inflict, by himself, or by or through any other person, any injury, damage, harm, or loss. In another manner that is intimidation. I think that harm or loss is not confined to these cases; I think it would apply to cases where, though a person has a perfect right to do it, if he does not do it with the motive of affecting

affecting the vote, yet the doing of it does inflict harm upon the other side. I take it that where a tenant who holds his land from year to year, to whom consequently the landlord can at any time give six months' notice to quit, the landlord has a perfect right to choose his tenant and turn him out; but if the landlord threatens to inflict, or does inflict, that turning out of his tenant for his vote, that is inflicting harm or loss within the meaning of the Act; and I think that sort of thing was intended to be struck at by the statute. So, again, where a person employs a servant, and the servant is continuing in his employment, and would in all probability continue in his employment in the ordinary course of things, the master of course may dismiss his servant at pleasure, giving him proper notice; he may dismiss him and change him at pleasure, and therefore he commits no wrong in so doing, but there again, if he does it on account of the vote, and for the purpose of coercing the voter, the statute intends, I think, to make that an infliction of loss which was to be punished, and punished severely. That has been acted on on more occasions than one. In the case of the Westbury election, to which I referred in the course of Mr. O'Malley's address, where it was proved that a manufacturer who had exercised coercion of that sort on a large scale in order to force his workpeople to vote, it was held, and I think it was held most undoubtedly, properly, that that was an infliction of damage or loss which, being proved to be done by an agent, vacated the seat. Other cases there have been something similar to that. In some of the towns in the north, Blackburn and Oldham, where something similar was ruled, it was clearly enough held, and I think rightly held, that though the loss and harm to be done to the man is not an illegal harm, not a matter that would be a crime, like beating the man or destroying his property, yet if it be a loss inflicted for that purpose, it is brought within the statute.

Then I come to other matters which are not quite so clear upon the construction of the statute, what you may call a precarious loss. For instance, if a person who is in the habit at intervals of frequenting a shop and giving the tradesman some custom, were to choose no longer to be giving that custom but to go elsewhere, if he chose to threaten to take away that custom and go elsewhere, is that a loss or not? It seems to me to be a good deal a question of degree. Acting on the same principle which I have been pointing out, I cannot but think, where the loss which is proposed to be inflicted in this way, is, I may say, to such an extent, and in such a way as would seriously affect the saleable value of the goodwill of a man's business, it would clearly be a loss; but such a trifle as that which Mr. O'Malley supposed, of a lady looking at a box of ribbons, and upon learning that the man was a Whig or a Tory, leaving the room and not buying, would be such a trifling thing that it could hardly be acted upon. I must weigh the matter as a question of degree, and see whether it is serious or not, for it is not to be forgotten that this section enacts that the offence shall be a misdemeanour, and shall be one which if it is made out shall subject the offender to fine and imprisonment; and I ought, therefore, in construing the statute, to remember that it is intended that such an infliction of loss, or such a threatening of infliction of loss, must be so serious that one could direct a jury in a criminal court to find that a person was guilty of misdemeanour. I cannot help thinking when you are looking at the principle of construction, that it must be taken in that way; if the loss where it comes to be this precarious loss (which expresses my idea perhaps as well as any other phrase), where it comes to be the loss of this chance, such as it would be in the case of a shopkeeper, it must be made out that it is done to a serious extent; and recollecting that to be so, you must see whether or not it is so made out. Then when one comes to see whether the thing is proved or not, of course the very essence of it all is, that it should be done on account of the vote. If there was an actual injury actually done, by the landlord dismissing or turning away his tenant, then of course the only question would be, was that done on account of the election; that is, as I have said, was it inflicted on account of his vote or not? Therefore, it would always come to be a question, more or less, of evidence, and no doubt the scale on which it was done would be an important thing to consider. If immediately after the election a landlord dismissed 50 or 60 tenants who had all voted against him, I do not mean to say the thing would not be capable of being explained, and it might be shown that it was not done upon that ground, but that there were very good reasons for turning them out. In many such cases, where *prima facie* it appeared as if there had been an act of coercion, they have been capable of explanation. I think that was the case at the Tamworth election, where a great deal was made of Sir Robert Peel, or his land steward, immediately after the election, having given notice to quit to, I think, about 20 cottagers, of whom two or three had voted against him, and no doubt that fact required explanation. My Brother Willes, who tried that case, took, as far as I can understand it, exactly the view of the law which I laid down just now, and I think, as far as I am aware, there has never been any difference of opinion among any of the judges as to the law. He took exactly that view, and inquired into and was satisfied upon the evidence that, though this act of evicting the tenants had taken place, yet it had nothing whatever to do with the election. He was satisfied that for some purpose—I think, if I remember, for improving the estate—it was intended to pull down the cottages before the election came on. The cottages were pulled down because of that intention, and that being so, of course it was held that there was no undue influence exercised. It would be monstrous if it were laid down that a landlord was obliged to keep on a tenant to whom he would otherwise give notice to quit, or that a master should be obliged to keep his servant whom he would otherwise send away, merely because he had voted against him; it must be shown that it was done on account of the election. Wherever an injury has been actually inflicted, wherever a

Norfolk
(North Division).

thing is done which, for this purpose, would be a loss actually inflicted upon the tenant who has been turned out, or where a servant has been discharged, or the like, the proof is comparatively easy; but when it comes to be that he was merely threatened to go (which is equally within the statute), where a threat has been made, or what is supposed to be a threat, and not acted upon, the point is very much more difficult to determine. But I need hardly point out that in any such case it becomes a question always, more or less, whether or no the threat was a real threat. I think where a person, in a time of great excitement, uses what the Americans call "tall talk"—where an angry man says something that would apparently amount to a threat—in such a case, for instance, as one of the witnesses referred to when he said (I do not know whether he was using a Norfolk phrase or not) that Mr. Postle, in a time of excitement, was very "lavish" in his talk. I do not think that such a thing as that—an angry word spoken in that way, and not intended to be acted on; an angry thing, probably forgotten as soon as said—would amount to a threat at all. Of course it all comes to the question of fact; was this a serious and deliberate threat, meant to affect the vote (though perhaps repented of, and not afterwards acted upon), or merely angry words, not meaning anything? It always must be very difficult to satisfy the minds of those who have to decide the fact, whether the threat, which is not acted on afterwards, be a real threat or not. But when it comes to be a case of what I have called precarious benefit, arising from being a customer or the like, I think there, also, you ought to see tolerably well that the matter is made out to such an extent that you might, if the indictment were laid before a jury, fairly and properly leave it to the jury as a criminal matter, and direct the jury to find the prisoner guilty. In such a case as these I think the legal maxim, *de minimis non curat lex*, does to a considerable extent apply; and in seeing whether or no there is undue influence from a threat of some loss, you ought to see whether the loss is really considerable or not, and you ought also to see that the loss is not what a lawyer would call too remote. I will explain what I mean by reference to what occurred here. It appears in the evidence in this case that Postle, one of the persons who was complained of, was very angry with a man who had, as he, Mr. Postle, thought, promised him that he would not vote at all, and he found afterwards that the man was going to vote the other way. Mr. Postle, no doubt perfectly and sincerely, thinks he was angry at what he considered a breach of faith, not angry at his intention to vote for Wodehouse and Gordon, but angry at his breach of promise in not standing neutral. As I said before, I have no doubt Postle persuaded himself that that was the cause of his anger; but I must take the liberty of assuming, if the man had broken his word by promising to stand neutral, and had then gone and voted for Walpole and Lacon, Mr. Postle would not have been angry. I cannot doubt that his real anger was because the man was going against him. But in this case, Postle remembering during his angry words that the man had told him when they were friends before, that if, two or three years hence, when the young lady upon the coming of age of whom the sale of the property depended, the land should be sold, and if the land went at a tolerably low rate, he would like to buy the reversion and become his own landlord—Postle, suddenly remembering this, says in his rage and anger (he agreed he did say so), "When that comes to be done, I can buy it over your head, or, if I am dead, my son can do it for me," or some phrase of that kind. If that was said, was that a threat to inflict loss, which I am to treat as a misdemeanour, and which was to void the election? I have already said I think the loss must not be too remote; and if I were to come to the conclusion that Mr. Postle seriously and truly meant to do this little piece of long-lived spite which in a moment of anger he said he would do, I cannot think that it would come within the meaning of the statute. But to do justice to Mr. Postle, I have no doubt that as soon as his anger had cooled, before he went to bed, and certainly after he had slept upon it, he would as soon have cut off his little finger as have done it; it was merely a piece of what the witness called "lavish talk," rather than a threat seriously affecting the election.

I have said thus much on what does amount to undue influence, which to a great extent disposes of the cases under that head which were brought forward, and which were but few. The only one which struck me as being one in which there was any serious ground of doubt, was the case of the carter Edmunds, who had been for a long time past employed, though to no very great extent, for the brewery of Lacon and Company, to cart their malt; he was not employed as a regular servant, but he had had their custom for 22 years. Mr. Nightingale called upon him and asked him for his vote; he said he had promised the other way, and Mr. Nightingale left; and then when the next malting season came round the man was not employed, and he was not told why he was not employed. No doubt that looked suspicious; it appeared as if Mr. Nightingale was refusing to employ him on account of his vote; and that was fortified by the evidence of the discharged clerk, who said that Mr. Nightingale expressed to him, not as a message, to send to the man his determination that he would only employ his friends, and therefore the man should not be employed; and if the man was not employed afterwards it would be an injury and loss inflicted on account of the way he had voted. It was said that this man was a discharged clerk, and discharged servants do sometimes say matters against their masters which are not true. Then Mr. Nightingale says, though of course he was annoyed at the man not voting for him, the ceasing to employ him was not connected with that at all. He gives as a reason for it, that the man's horse had fallen lame, and the man was employing a donkey cart which would not do for the carriage of the malt. Unfortunately if that was so, he did not give the reason at the time, in which case there would have been no difficulty; then

then he not only said it was not for that reason at all, but he afterwards swore upon his oath that there were other carters continued in their employment who voted against them. If it is true that he did not discharge them at all though they voted the other way, that fortifies his assertion that he did not discharge Edmunds for his vote; upon that evidence I am not called upon to determine which of the two is speaking the strict truth, because I must see whether or no the preponderance of evidence is such as to lead me to the conclusion that Edmunds was discharged upon that ground. Whether I can come to that conclusion or not is a matter upon which I am not bound to make up my mind, if I see enough to say that that case is not made out so that I can act upon it.

That was the case I mentioned just now, as to which I had the most doubt; as to the others when I come to look at them I think they all vanish away. First of all, there was the case of James Grimes, whom I have already mentioned; besides the angry words used by Mr. Postle about what might happen when the young lady came of age, it is said that this took place. Mr. Postle had purchased a portion of land which this man Grimes had been outgoing tenant of, so that at the end when Michaelmas came Grimes would have had to go out leaving the straw. Some time before, Grimes called upon Mr. Postle to ask whether he could make some arrangement about the straw, the result of which was that Mr. Postle took on Grimes as his tenant for two years, and the straw then became Grimes's. Mr. Postle entered in his book that that agreement was made, and that agreement having been completely made, Mr. Postle had no more power to turn the man out before two years, or to touch the straw afterwards, than I should have had, or anybody else; and Mr. Postle, who was a business-like man enough, and who was extremely anxious to show his business habits by showing his book, knew that perfectly well; whether Grimes was as well up in the law, is not quite clear. When Mr. Postle was very angry with Grimes, something was said about the straw; there was some difference in their evidence about that. Grimes rather gave the account that he understood Mr. Postle to say that he would take away the straw from him, which Mr. Postle clearly could not have done. Mr. Postle says he rebuked him for having broken his promise; that he said, "You have broken your promise to me, I might as well break my bargain with you to let you have the straw." I think it is probable that Mr. Postle did say something like that. I think it is very bad reasoning, because the two cases are not analogous: the one being a binding bargain, and the other *nudum pactum*. I think Mr. Postle is accurate in that, and that he did not make any such futile or idle threat as to say he would turn him out, or take away the straw, which he knew he could not do; and I think that the words were simply angry words.

Then there were several cases not relied upon by Mr. Serjeant Ballantine, and therefore I pass them by.

The next set of cases were those in connection with Mr. Foster; one of which was the case of the man Morter, who had mortgaged his property to Mr. Foster. It appears that the mortgage is one of 30 years' standing. Mr. Foster was the creditor, having the power to call up his money, and to inconvenience the debtor in that way. That being the state of things, Mr. Foster and Morter are quite agreed upon this, that when Mr. Walpole and Sir Edmund Lacon called upon Morter, Morter said something that Mr. Foster thought offensive to those gentlemen. Foster staid behind to rebuke him for his incivility, and then Mr. Foster and Morter both got angry. Morter professes to be able to repeat a great deal of the conversation. Mr. Foster says they were both excessively angry, and he will not attempt to remember what was said. I think it extremely likely that, in the heat of passion, something was said about calling up the mortgage; but afterwards Mr. Foster says he called upon Morter, and they became friends again, and from that time forward he had never said a word about it. Morter's account is that, after that time, when they met, something was said which he thought was a threat, and he got into a state of great indignation at the threat, and said he could get money elsewhere, and resented it so much that he went and voted the other way. There never has been an attempt on Mr. Foster's part to do anything in the way of carrying out that supposed threat, or exercising his power as mortgagor at all. He says he never intended to do it; and here it comes to be exactly that class of case to which I alluded. The threat, or what is said to have been a threat, was never carried into effect at all; and though no doubt it would be illegal if actually made to influence the election, though repented of, yet nevertheless the question whether it was so made is a matter of inference, and I do not think it is established that it was so made; and I must come to the conclusion that the case of Mr. Foster in relation to Morter was the case of an angry man using angry words, which he did not at all intend to act upon.

There is another man, Wilson, connected with the same Mr. Foster, in which, I think, the case failed. It was mentioned by Mr. Serjeant Ballantine, therefore I refer to it now; it appeared that this man Wilson had had an acre of land, of which he had had the feed, which was not at all a tenancy which was not to be renewed, but the acre of land he would have to give up at Michaelmas. It also appeared that this man was a bricklayer, who had sometimes worked for Mr. Foster, when he had a little job to do. Mr. Foster, it appears, supposed that the man had made a promise, which the man said he had not; they got into an angry discussion about it, and Mr. Foster seems to have said to him, besides some other abusive language, that he was a liar, and various other things, and told him that a man who would break his promise to vote would scamp his work, which I think did not amount to a serious intended threat, but was rather a case of angry language. It appears that this has not been acted upon, for Mr. Foster has not had any direct work of his own, and therefore he could not have employed him; but he had one little

Norfolk
(North Division).

job where a tenant had some brickwork done about a chimney, when he told the tenant to get it done, not telling him not to employ Wilson, or to spite Wilson by not employing him, and in which case Wilson was employed. Therefore it was a mere idle threat, and came to nothing. Then there were two other cases (and those would make all the cases of undue influence) in which Mr. and Mrs. Fellowes were concerned; I must take it as not a disputed fact that Mrs. Fellowes did in the heat of the canvass use some such phrase to the man who kept the post-horses (I daresay they are not the lady's own words), as that she would get Conservative horses; but no doubt she said something to the effect that she would give her custom to people who voted upon that side, and not the other. And again it is said, in talking to the tailor who was sometimes employed by Mr. Fellowes, Mrs. Fellowes told him, on his saying that he was going to vote the other way, that she would have Conservative cloth. These, perhaps, were not the words she used, but I have no doubt she might have said something to the effect, that their custom ought to be given to those upon their side of politics.

Then we come to see whether that was a real threat, or was followed out by inflicting injury. Mrs. Fellowes could not inflict any injury except so far as she could influence her husband. It appears, as to the post-horses case, that the very slight custom which Mr. Fellowes gave before to Mr. Bush, is kept up now. Mr. Fellowes stated, that though he had been in the habit of sending for post-horses to Mr. Bush, on one occasion when he wished to take some guests from his house to a ball, he went elsewhere. Mr. Fellowes accounts for that extremely well. Mr. Fellowes had a larger party than usual, and instead of going in a two-horse carriage, it was necessary that he should have four horses, and an omnibus, and Mr. Bush did not happen to have an omnibus or four horses, therefore he went to the "Black Boy," at Aylsham. Even if the language used by Mr. Fellowes had gone much further than it did, there was not the slightest attempt to follow it up or to act upon it; therefore that case comes to nothing. The case of the tailor comes a little nearer to being followed up, because it does appear that Mr. Fellowes was always in the habit of having the gamekeeper's clothes made about Christmas time by this country tailor, and it happened unluckily at this particular time that Mr. Fellowes thought it convenient to get a pattern from a more fashionable tailor at Norwich, and consequently to remove that little custom from the country tailor. It is open to the observation which Mr. Serjeant Ballantine made upon it 'with respect to such matters not being trifles. There is a lady saying we must have Conservative cloth, and here is the cloth not got. But I stated before what I think the loss must be; that it must be a serious loss, a matter which in a criminal court, on a charge of misdemeanor could be left to the jury, and I must treat this as a petty matter, which the law would hardly take notice of. It would have been much wiser on the part of the person using the language if it had not been used; but I am happy to say, as far as regards the question, whether there was any crime in it or not, I am not called on to report Mrs. Fellowes to the House of Commons, and leave the House of Commons to consider whether the Attorney General should be directed to prosecute her. I do not think I am at all bound to do that. I daresay she will not again say anything of the sort to either innkeepers or tailors, when an election is about to take place.

That finishes the whole of the cases of undue influence, and I must say that the observation Mr. O'Malley made upon them is perfectly well-founded. Here have been five months during which there has been every endeavour to bring forward every possible case with no wish to spare anything, and they come at last, after all those five months, with these charges of undue influence, and those are all the cases they can bring forward, viz., one single case endeavoured to be made out of a landlord; one single case of a supposed harsh creditor in the shape of a mortgagee, and this wonderful case of the gamekeeper's coat. When that turns out to be the result after all this inquiry, I think one is justified in saying that it is very clear that there was nothing in this election for North Norfolk, which in any reasonable sense could be called oppression. As to the undue influence part of the case, I feel that it is what we should have called in old times frivolous and vexatious.

But we now come to a much more serious part of the case, namely treating; as to which the difficulty I find is very considerable indeed, in determining for myself what are the inferences I ought to draw, and what is the idea and intention which would make the treating a corrupt act under the statute. Corrupt treating is a different thing altogether from what I have just been speaking about, namely, undue influence. It always was the law, and is the law still, that when a man is directly induced to give his vote by meat or drink, it is just as much bribery as anything else. If a man sells his vote for a mess of pottage it is just as much bribery as if he sold his vote for the money which the mess of pottage was worth. That always was the law, and still is. But then there was a habit of giving the meat and drink for the purpose rather of keeping people to their colours, to keep them steady; and that had become excessively common centuries ago. When it was first endeavoured to be checked, I think the House of Commons endeavoured to check it far more with the desire of keeping down the expense of elections, and saving candidates heavy expense, than anything else; but by degrees they have more and more considered the extent to which this treating would corrupt the constituency; and finally, we have an Act of Parliament, the Corrupt Practices Prevention Act, the 4th section of which is the one that governs the matter. But before coming to that 4th section I will mention the 23rd section, the mention of which now will clear the way, and relieve me from a great deal of after-matter. There was a very common belief that, at election times, upon the nomination-day, and day of the polling, where men had come to attend the nomination, or to

Norfolk
(North Division).

to attend the polling, they had a fair claim to have something given them for refreshment, and it was a very general practice indeed to give it them; and whether or no it was an illegal practice was a matter upon which Committees of the House of Commons entertained different opinions. One of the witnesses here, Mr. Beck, in mentioning that he had done that very thing, said, fairly and frankly, that he thought he had a perfect right to do it; and had done it before, and would do it again. He did not stand singular in that respect; a great many have thought so; but in the 17th and 18th Victoria, the Corrupt Practices Prevention Act, the Legislature thought it necessary to stop it; and here is the enactment which they thought fit to put in. It recites, "And whereas doubts have also arisen as to whether the giving of refreshment to voters on the day of nomination or day of polling be or be not according to law, and it is expedient that such doubts should be removed, Be it declared and enacted that the giving, or causing to be given, to any voter on the day of nomination or day of polling, on account of such voter having polled, or being about to poll, any meat, drink, or entertainment, by way of refreshment, or any money or ticket to enable such voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of 40s. for each offence, to any person who shall sue for the same, together with full costs of suit." It is obvious, upon reading that, that the Legislature say distinctly that this shall be illegal; but they do not say it shall be a corrupt act, the doing of which shall avoid the election; they thought it was not like bribing or the like. They did not think it was so bad as to say that the election should be void if such an act were done; but they said it is a mischievous practice, we forbid it; and if any person, not only a candidate or a candidate's agent, but if any person gives meat or drink on account of attending on the nomination-day, or on account of polling, or on account of having polled, or being about to poll, it shall be an illegal act. Then they thought that they had devised a remedy to prevent it being done by the subsequent part of the section which enacts that persons so offending shall forfeit the sum of 40s. for each person receiving the same. I should have thought that that would have been an efficient remedy. There were a considerable number of attorneys in London who used to make a trade, which, I am happy to say, is a good deal hindered now, by getting up actions for the sake of costs; there are many men I could name, men whom my Brother Ballantine and Mr. Rodwell know, too, who used to get up actions for the purpose of getting their costs in actions for 40s. damages against poor people, out of whom it was difficult to screw the amount, except by selling them up. If I had been asked if this were an efficient remedy I should have said, "Yes; Mr. So-and-So is pretty sure, for the sake of his 40s., to come down and sue, and he will carry out the intention of the Legislature; not that he cares about that intention, but in order to get his 40s. and costs of suit." But 15 years have elapsed, and nobody has done so, and, as the Act expires this Session, it is not very likely that anybody will do it, though perhaps they may think there is a good crop to be made here. I do not know how that may be, but I do not think it likely. Therefore, if the Legislature, in considering the matter, desires that the practice of giving refreshment should be stopped, they will have to devise some penalty which shall effectually carry out their intention. But, though they made it illegal, the statute does not in the slightest degree touch its effect upon the result. You may, by giving money for refreshment upon the polling-day, subject yourself to a penalty of 40s., and it may be bribery if it is given for the vote, or treating if with the intention, and bribery or treating, none the more and none the less, because it comes within the 23rd section. Then comes the section which governs the matter, and which we have to consider, and that is the 4th section, which says, "Every candidate at an election who shall corruptly." Now I may stop at that and say, that I believe all the Judges have considered that the word "corruptly" governs the whole, and that that means, with the object and intention of doing that thing which the statute intended to forbid. What that is I will see presently. It does not mean corrupt in the sense that you may look upon a man as a knave or a villain, but that it is to be shown that he was meaning to do that thing which the statute forbids. The section proceeds, "who shall corruptly, by himself, or by or with any person, or by any other ways or means on his behalf, at any time, either before, during, or after any election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be deemed guilty of the offence of treating," which is not made a misdemeanor but merely made subject to a penalty. Upon the construction of that statute, I think, as far as I can observe by looking through the judgments of the Judges who have sat upon these election inquiries, we have had no difference of opinion at all; I believe every Judge has come to the same conclusion, that it is essential that the candidate should be mixed up in it, because the statute only makes it an offence in the candidate. The candidate must do it, but he need not do it with his own money or by himself personally, if he shall be in any way accessory to the giving or providing; and consequently if the candidate's agent, for whom he is responsible as agent, does give the meat and drink, that has, as far as the avoiding the election goes, the same effect as the candidate giving it. But then comes that which governs the whole; does he do it in order to be elected, or for the purpose of "corruptly," that is corruptly according to the intention of the statute "influencing such person or any other person to give or refrain from giving his vote?" That governs the whole, and that, I take it, is the

Norfolk
(North Division).

key-note of the statute. Then we are to see was it done with that object; was the purpose that which the statute defined; that is to say, was the giving of the meat and drink with the intention of influencing the voters at this particular election? I take it that, influencing the voters to give their votes, means at the election then pending; and it comes to be a question then whether or no that intention is made out as a matter of fact. As I have already said, I think every Judge who has dealt with these matters, has agreed completely with what I am now saying. The words may have varied; different Judges may have used different words, but the meaning has been always the same. If I were directing a jury, I would say, "You, gentlemen of the jury, are to say whether or no, in point of fact, this meat and drink was given with the intention of influencing the voters at this election, assuming it to be given by the agent of the candidate; if so, you will find that it is corrupt treating." Unfortunately I have not a jury to leave it to; if I had, my task would be at an end. It is a very difficult thing to say in each particular case, whether or no that intention is made out. It must be a question of degree more or less in every case. I can only say upon that, as I have said several times before, that the question what is the intention of people must be inferred from the whole of their acts. As a good canon of the law of evidence, a man must be taken to intend the natural consequences of his act. If a man does a thing from which natural consequences ensue, we must say that he intended the consequences of his act. If a man in his sober senses stabs another with a knife, we must suppose that he intends to do him grievous bodily harm. The canon of evidence is, that where an act would have a certain natural consequence, and a rational man does it, you must suppose that he intended the consequences of his act. That being so in the present case, the fact whether or no the giving of meat or drink was intended to influence the votes, must depend upon the circumstances and the manner in which it was given, the time when it was done, and very much upon the nature of the entertainment which was given.

And here I must remark upon one fact which has a great bearing upon the present election; that is, that there is a very great difference between meat and drink, although the statute makes no difference at all as to the law of the matter. If meat be given with the intention of influencing the voters, it is as bad as if drink be given. But when we come to the question of fact as to what was the intention, that becomes to my mind excessively different. No doubt a man may be influenced as to his vote by giving him a sandwich to eat, and, on the other hand, a man may be made extremely drunk without influencing his vote. But when we come to look at the probability of what a man intended, there is a very great difference indeed; and then the question of whether it was meat or drink becomes an important question, I think, though it has been truly said by some of the Judges, that the statute makes no difference if once the intent is established, whether it is a thimbleful of drink given with the intent of inducing a voter to vote at the election, or whether it is a hogshead; nevertheless, upon the same principle of reasoning, when you come to look at the intention, that quantity is of very considerable importance. It seems to me that it is difficult to suppose that any person would throw open public-houses to voters, and make them all drunk, without intending to influence their votes, and whether a man gives them a small quantity of drink, it is a different matter. It comes to a question of degree and extent; and we have leave to consider whether or not it is intended to produce the effect contemplated. Here I think I must agree with what Mr. O'Malley said, that, as far as the evidence has gone, there has been, I should say, marvellous sobriety and temperance in this election. Some evidence was given as to there being drunkenness in Yarmouth. It is very possible there may have been. I think the truth is that it may have been somewhat exaggerated; but probably there were some drunkenness in Yarmouth. At the same time throughout the country generally, setting aside Yarmouth, it only incidentally appeared that there were two people, and no more, under suspicion of being drunk; and there was certainly nothing tending to show upon any one occasion, at any one of the county polling-places, that there was anything like general drunkenness. Never having come this circuit, I do not know much of Norfolk, and I do not know whether it is owing to some accident of their education, or from the way in which they live, that they are exceedingly temperate, and that there is very little drunkenness as compared with the North or West, or whether the merit is in the management of this election; but this I am quite sure of, that, contrasting this election with any other into which I have inquired, there is a most singular and astonishing difference between them; and looking at the question of treating, and the question of the intention, I cannot but think that is a very essential element to be taken into account.

Now I must say a few words about the particulars in this case. I feel quite satisfied, from the evidence here, that there has been a very general practice (it is highly probable that it was adopted also on the other side, although it not being material it has not been entered into) of farmers, or clergymen, and the clergy in this case where the Church was supposed to be in question, naturally enough took a considerable part in the election, arranging with their neighbours to meet at such-and-such a place where a conveyance was to be ready to take them to the poll; and when they came to the place there would be breakfast for them. Sometimes the time at which the breakfast was to be ready would be mentioned before, and sometimes the breakfast was there without having been mentioned at all; but breakfast was given on such occasions pretty generally. Whether it was a universal practice I cannot say, and I do not much doubt that in a very large number of these cases it would be illegal within the 23rd section, because the men were going to the poll.

poll. It does not at all necessarily follow that it would be so, although I think in a great many cases it would be so. But assuming that all these people were agents, when one comes to look whether or not they were agents, I can hardly come to the conclusion that, as regards any of these clergymen who have been mentioned as giving a small breakfast in that way (I put an emphasis upon the word "small," because the extent and degree is an important matter), even if they were proved to be agents, it could fairly and properly be said that it was done by them with the intention of influencing voters. It was given incidentally in the course of their bringing the voters to the poll, and it would probably subject them to a 40s. penalty; but I do not think I could treat them as giving them entertainments in order to influence voters, even if they were agents in all cases.

Then there comes a further class of cases, with regard to which I stopped counsel from commenting upon them, but I must render the reason why I did so. It appears that in a very considerable number of cases after the election was over, in some cases a day or two afterwards, and in some cases two or three weeks after the election was over, some landed proprietor, some squire or large farmer gave a dinner to his tenants and people around him, celebrating the victory their side had obtained; and he naturally enough might be expected not to invite those who had voted on the other side; with rare exceptions those people invited their own side. Now, I have already said, in pointing to the words of the Statute, that it says it is necessary, in order to make it treating within the 4th section, that it should be given by the candidate, or that the candidate should by his agents be accessory to the treating; and though the Statute in express terms says if given after the election it shall be just the same as before, yet nevertheless when given after the election it must be given by the candidate or somebody who still continues to be connected with the candidate. Now the agency at the election, which was solely from the canvassing before the election, expires with the election, whether or no a person who had been requested to canvass would be an agent whose misconduct would avoid the election, would depend upon the evidence; but unless there is something to show continuing authority, that person could not, if he had given a feast 10 days after the election, by that act upset the election. I have no doubt that most of these feasts, though not all of them, which were given after the election, were connected with the election; I have no doubt that the motive in the mind of the giver was connected with there having been an election. The intention was not to induce the electors to vote, because their votes had been already given; but no doubt these dinners, if you could come to the real motive of their being given, were given with the view to increase the influence of the squire who gave them; he gave the meat and drink with the intent of increasing his influence over his tenants and others who would be voters at any future election. No doubt that was the real motive with which these dinners were given; whether it be a right motive or a wrong one, whether it be a wise or a foolish thing to do, I have nothing to do with. All I have to do with is, that as yet no statute whatever has struck at it. If it is thought, as it may be thought, that such things ought to be prohibited, the Legislature must say that they intend to prohibit them; and, as I said before, they had better, with the experience which they have had of the working of the 23rd section, devise some remedy by which it can be enforced better than merely by subjecting the offender to some penalty. At present I only say that those things are not struck at, and are consequently out of the question, in considering this case. There were several cases where meat and drink was given by persons who were engaged in the election on the polling day; and where it was given before the polling was over, where the people were invited before the election was over, so that they knew of it, the distinction I have been pointing out, of where men have ceased to be agents, does not apply.

The clearest of the whole of that class of cases is that connected with Mr. Scott Chad, and Mr. Robert Magness, who was much mixed up with the matter at the same time. Now, as to that case, I think that all the facts came out very fully and perfectly satisfactory to my mind. My Brother Ballantine spoke of there being something behind not yet discovered. There may be something, but I feel tolerably confident that I really know all the facts that took place there as thoroughly as Mr. Scott Chad himself. I first of all say that I do think, on this evidence, Mr. Scott Chad must be considered an agent to some extent: I take the facts to be these; he is a considerable landed proprietor in the district, and when he was asked, not, I think, by the candidate personally, but by his authorised agent, to be upon the committee, and to act for them, he said, "No, I will not have anything to do with it, but I will answer for my own tenants." And he did, in fact, look after his tenants, and asked them, and reported to Mr. Loynes what was the result of his canvass, that his tenants would all go that side. I do not think there was any undue influence at all used, but they were all ready and willing to go; when that is the case, when a man who is asked in that way says, "I will look after a particular set of voters, my own tenants," and he does, in fact, canvass them, and nobody else does, I think he is an agent for the purpose of canvassing his tenants. I can hardly distinguish this case from the one I referred to of Westbury, where a manufacturer canvassed his own workmen much in the same way as Mr. Scott Chad did here. No doubt there were other circumstances there, that he was put on the committee, and so on; but the real governing point was that he was put forward, and consented to be the person upon whom they relied to get those voters, and, consequently, where that manufacturer did commit tyranny and oppression, and was guilty of undue influence, it was justly and properly held that that avoided the election of those who trusted him. And if Mr. Scott Chad had been shown to tyrannise over his tenantry, evicting them from their dwellings,

Norfolk
(North Division).

or if he had been guilty of any other act of tyranny, that would have been undue influence upon his part at the election, and, consequently, would have avoided the election.

Then we come to consider would what Mr. Scott Chad did, taking him to be an agent in conjunction with Mr. Robert Magness, amount to treating? I think it far less clear that Mr. Magness was an agent, but he and Mr. Scott Chad were so mixed up together that I must take them together. The question is, Was the meat and drink which was given by them, given with the intention to influence votes at the present election or not? As to that, it is perfectly clear that Mr. Scott Chad sent round invitations to his tenants, and to several persons connected with his tenants, to come to the "Crawfish," I think it was, to dinner; and those invitations were sent round before the election took place, and everybody knew that he was going to give a dinner at the "Crawfish." There was another dinner that he gave elsewhere to his workmen, but one is enough, and I will not trouble myself about the other. It is equally plain that Mr. Magness, who appears to be the nephew of a gentleman of smaller property than Mr. Chad in the neighbourhood, at another inn did something very similar to what Mr. Scott Chad did, and to which Mr. Scott Chad invited one guest. It further appears that Mr. Scott Chad, when his tenantry and people came to the polling-place at Wells, provided a luncheon for them at the "Standard"; a moderate and reasonable luncheon; they did eat and drink at his expense, though not by any means much; and at the "Railway Hotel," Mr. Magness entertained others, I dare say rather more liberally (it appears that there was a little more drink given than at Mr. Chad's entertainment), but that he did pay for it, and that consequently meat and drink was given by him to voters.

Now, the question arises upon this, Was it done with that intention which the statute says is corrupt; was it done with the intention to influence the election, or to influence the votes at the election? As I said before, you must look at all the circumstances, the time, the place, the manner in which it was done, in order to see, taking it altogether, if it was done with a corrupt intention. Mr. Scott Chad seems to have had a well-founded confidence (perhaps he is a liberal landlord) that his tenantry would all come with him. Mr. Scott Chad says he did not think he was influencing the voters; he thought he had them all quite safe already, and I dare say that was so. That would not negative the possibility that the providing of such meat and drink might be corrupt treating, because a man might think, "I have got so many safe votes, but it would be a deal safer if I give them meat and drink in order to keep them in good humour"; and if it were done with that object, it would be done with a corrupt intention; but taking it altogether I come to the conclusion that, in the case of Mr. Scott Chad, what he did was not done to influence votes at the election. I think he thought he was safe enough without the necessity of his giving this entertainment. His intention was to keep up and promote his own influence; I draw the conclusion that the intention of those feasts was to promote the influence of the squire at some future election, at some future time, not to influence the votes to be given at the then pending election; and though it was done before the election was over, I think it comes to nearly the same thing. If that is judged by the Legislature an improper thing to do, and they wish to stop it, it is for them to devise some means of doing so. I can only come to the conclusion upon the law as it stands, that I do not think the cases I have mentioned are made out to be cases of corrupt treating. I need not go through the others, because I take Mr. Scott Chad's as being the clearest and most important.

I have then to come to that which finishes the cases of treating, viz., the lunch at Ormesby Hall, which does differ from all the rest in this, that what was done at Ormesby was done by Sir Edmund Lacon himself personally, and no question therefore arises about agency or anything of the sort. A great many things were done at different public-houses, particularly, for instance, Mr. Beck's giving a festival at the "Ormesby" beer house. All those I need not inquire into as to intention, because, as to them, there has been a failure of proof of any such agency as would have made the sitting Members responsible. But in what took place at Ormesby, Sir Edmund Lacon, of course, was his own agent, and from the manner in which the election was conducted, Mr. Walpole, must, I think, be responsible also for what took place there, and consequently, if what was done there was done with a corrupt intention, it would vacate the election. Now it is an excessively imprudent thing for a candidate to provide any entertainment at all for voters. In the course of the inquiries in which I have been engaged, I have found that very often the notion has prevailed, or at least it has been thought fit to say that it prevailed, that to give anything by a candidate in the nature of meat or drink was fatal to the election, and that idea has been used as a very salutary shield. Repeatedly in borough elections people have said to the candidate, "Give us something to drink; you will be a shabby dog if you do not"; and the answer has been, "I would willingly do it; I should have the greatest pleasure in obliging you, but the law says, if I give you the least morsel of food, or drop of drink, I shall lose my election." That is a very salutary notion, and acts as a protective machinery to the candidate, but I cannot lay down the law to the full extent that that goes to. If it were a possible thing I should wish that it should be believed by everybody to be the law, but though I cannot say that, this much I can say, that wherever a candidate or his agent does give any meat or drink, he does a very foolish and imprudent thing, because it becomes a question in every case, more or less, what the intention was in doing such a thing; he gives a plausible colour to people getting up a petition against him (and it is no small trifle even to be annoyed in that way); and it always does imperil his seat, for it always becomes a question of intention and a question of degree, and he always has more or less the chance of the judge who is to try the case

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being constrained to find that he thinks the meaning was to influence and affect the votes, and if so, it vacates the election. I have to see in the present case whether what took place at Ormesby was such as to make me think that that was the intention. In doing so, I must, first of all, make up my mind what was really done, and upon considering the matter, I have come to a conclusion which I think is correct. The billiard-room in which it appears this lunch was laid out, had a door opening into it, so that people could come into it, not clandestinely, but without going through the rest of the house. This billiard-room was evidently a very convenient place for people who were to come in and out of it, and to eat and drink in it without disturbing the rest of the family; much more convenient for that purpose than the dining-room. Then I find, taking the cook's evidence, which I have no doubt myself was accurate, that directions were given to roast, for the purpose of being laid out cold, a sirloin of beef, ribs of beef, and a silver side of beef; the precise number of pounds weight does not appear; one does not know what quantity those joints together would represent, but the quantity of cold meat would be probably 70 or 80 lbs. weight; it could not be much less. I suppose that each person would not eat much more than a half-a-pound, and it would follow that there was meat intended to be laid out that would serve for upwards of 100 people. One little thing I may mention, the silver side, if I am not mistaken, is an inferior piece of meat, which would not generally be used at the tables of gentry of the upper class, and consequently that does look a little as if it was intended to provide a coarser repast than would probably be provided for people of the same rank in life as Sir Edmund Lacon. I do not know whether I am right in the fact, but that is my impression; and taking that view of the matter, and considering the quantity, the place in which it was, and above all considering what took place afterwards, I cannot myself much doubt that that cold meat was laid out with the intention not to confine it to the 20 or 22 gentlemen who probably naturally came to luncheon, but that it was thought that there would be a great many people about who would come in and eat it, who would come in and go out when they liked. I cannot much doubt that that was the intention with which it was provided in that way. Then comes the question, was it intended to influence the voters so as to make a corrupt intention; that is a question more or less of degree, and everybody is capable of forming his own opinion upon that; I am far from saying others may not be right and I wrong; and indeed upon such questions as this, when I have made up my mind in the best way I can upon the subject, I always have an awkward feeling afterwards that I might as well have decided the other way; very likely I may be wrong; it is impossible to help that. But I must say I do not think it was made out that it was intended to influence the votes at the time; if it had been previously told to everybody that there was this entertainment to be provided, it would have been a much stronger case. If people who would be likely to be influenced by the notion that there was some cold beef to be provided at Sir Edmund Lacon's, had been told before hand, "Be sure you go and poll at Ormesby, because Sir Edmund is going to give you plenty to eat and drink," that would have been like influencing them, but as far as I have looked at the evidence I can find no indication of that; I think there is enough to indicate this, that after Sir Edmund had been at the polling place, and after he had on the Green met some gentlemen who were friends of his, and said, "If you go to Ormesby House you will get something to eat and drink"; he and his subordinate agents also said to other people, "You may go and get something to eat and drink at Ormesby House," and that that notion spread more and more; but in the case of every witness who was called it seems to have come upon him by surprise, and I cannot help thinking if it had been intended to get men to vote at this particular election they would have been told of it before hand; if it was an inducement to a man to vote it came rather late, when the man actually came to Ormesby in order to poll, to be told then for the first time there is something to eat and drink at Ormesby. Very likely it was a thing like that which Mr. Scott Chad had done; very likely there was an intention then to increase Sir Edmund Lacon's influence at a future election, and it may produce that effect, but, as I said before, I do not think that is struck at by the Statute; consequently the conclusion I come to upon all these cases of treating is, though the treating is not like the undue influence, frivolous and vexatious, yet that the cases of treating have completely failed.

Now, I come to a much more serious matter, the matter relating to Yarmouth. Now, the charge has been made that there was bribery there, and there is no doubt whatever that Mr. Serjeant Ballantine was justified in starting with this assumption, that he is entitled to say, this is a case in which from the antecedents bribery was a thing which was not at all unlikely to take place; he was entitled to start with saying this Blue Book pointed out that at Yarmouth there were several hundreds of people ready and anxious and willing to be bribed, and who have not been bribed, merely because they have not been offered the money; there are parties in Yarmouth ready and willing to take it. You find, then, that Sir Edmund Lacon himself has been mixed up in three or four elections there, where there had been undoubtedly, as this Blue Book shows, large sums of money spent, which came ultimately out of his pocket, with deliberate, and to me, wonderfully successful endeavours to keep him in ignorance that they were coming out of his pocket; but nevertheless they were so paid by him; and after this Blue Book had been published there could be no doubt in his mind or the mind of anybody else, that there were round about him in Yarmouth a large number of people ready and willing, as far as scruples of conscience went, to supply any quantity of money for bribery that was deemed prudent, and, consequently, I think Mr. Serjeant Ballantine was, as to anything that occurred at Yarmouth, entitled to

Norfolk
(North Division).

start with a kind of presumption in his favour. It is like trying a man for receiving stolen goods with the knowledge that he has been a dozen times previously convicted of it, or trying a man for forging a Bank of England note with the knowledge that he has been before convicted for uttering counterfeit coin. It is not at all an unnatural or strong presumption that if bribery was desired there were plenty of people willing to do it; that the question whether there should be bribery or not was not a question of morality but a question of prudence. Something was said by Mr. O'Malley which I was rather sorry to hear, which causes me to make a remark which I should not otherwise have made. He said that there was nothing which had happened at Yarmouth which would cause any gentleman to think any the worse of Sir Edmund Lacon. Though it is true that many look upon bribery as nothing, to my knowledge that feeling is not universal, and I for one cannot look upon the acts shown to be done by Sir Edmund Lacon and Sir Edmund Lacon's friends as otherwise than disgraceful; but I pass that by. On the present occasion it further appears that there was by no means an endeavour to keep clear of those formerly concerned in corrupt matters, and Sir Edmund Lacon employed as his agent Mr. Diver. Sir Edmund Lacon stated that Mr. Diver was the partner of his former agent, Mr. Corry, the person who had been mixed up in that strange mysterious story of the 1,000 £. It was, however, a mistake on Sir Edmund Lacon's part to say he was a partner of Mr. Corry's. Mr. Diver explained that he managed Mr. Corry's business for him, and was not a partner. There was not an endeavour to keep clear of those who had been proved to have been guilty of corrupt practices, and no doubt, as I said before, it fairly stands that, as far as Yarmouth is concerned, the question was, was it a measure of prudence to bribe? And if it had appeared that any persons there engaged in the election had committed bribery, certainly there would not have been the smallest right on the part of Major Walpole, who had constituted them his agents, to complain or to be astonished if it had been made out that there had been bribery there. Then, though this evil character attaching to Yarmouth does make it much easier to convince one that there was bribery there, it does not dispense with the proof of it, and I must say the evidence by which it was attempted to show that there had been bribery at Yarmouth has completely failed. There was the story which that wretched man, Vines, was expected by those on the side of the petitioners to tell, which, when he came here, he told, that he was first employed upon the Liberal side, and that then he was employed by the Conservatives; and that then he had deliberately gone over to the other side and made false statements which he volunteered and wrote out, stating that he had been committing bribery of all kinds, and had received money for it. That is his story, whether true or not; and then he proceeded after having done this, in order to confirm his statement, to name a number of persons, who, according to his account, are innocent, and to assert that they had been given money, leading the agents for the petitioners to believe that he was prepared to swear to his statement. If he had come and sworn to all this, I should have supposed upon his cross-examination his antecedents would have been enough to make one not believe him a bit, but as it is he came into the box in a most unblushing way to say, "I have written all this, but it is all a pack of lies; I told it with the deliberate purpose of obtaining money under false pretences from the agent, and now I come to swear, with the most unblushing impudence, that all of it is a lie." Nothing shocked me more than the way in which that was received by the audience, exhibiting a total want of moral sense. Not only did they not seem to be aware how shocking it was for a man to be disgracing himself in that way, but there was a tendency to laugh, as if they thought it an admirable joke. If I wanted anything to convince me that bribery and corruption had a very evil effect, it would have been to see how that was received, and how it seemed to be supposed that in election matters all was fair and right; not only was it not received with the natural shock of horror which I expected, but there was an absolute absence of enough moral sense to make them aware that it must inevitably affect the mind of a man in my situation with horror and disgust. I acknowledge that it gave me a very poor opinion of that portion of the audience in the court at the time from Yarmouth and Norwich. But it is plain that no person could put the slightest credit in that man's evidence, or trust to it in the slightest degree.

Then there were one or two cases of bribery tried to be made out, upon which Mr. O'Malley was quite justified in saying what he did. The first was that of a man receiving half-a-sovereign at the station, which, from the nature of the story, whether the man was speaking the truth or not, could not be contradicted. As to the other case of a man who was accused of having taken a bribe direct from Mr. Preston, the story was told by a very doubtful and shaky kind of witness, in manner and appearance; and the story was capable of contradiction, and was contradicted by several persons, all of whom said it was a positive and absolute falsehood, and there is every reason for believing that it was an absolute falsehood; for if people at Yarmouth proceeded to do that which they had done before, viz., to give bribes, we cannot suppose that they would do it openly, we cannot suppose that they have lost all their old skill. You never had a chairman of a committee deliberately and publicly handing over the money in a committee-room, in the sight of strangers; the thing is incredible. Where there is deliberately-intended corruption, there are careful means (unsuccessful means, very often, but still careful means) that the bribery shall be done by some subordinate agent who is kept in the background, of whom it will be said, if he is shown to be committing bribery, "There is no evidence that he was an agent." That is the style in which bribery is generally committed, and the improbability of such a story about a bribe being given is enough to lead

me to pay no attention to it. As to the rest of the evidence we have had to show that bribery was committed, it is quite true that Mr. O'Malley's observation is well founded upon that. It is quite true we have had five months in which there has been eager and anxious inquiry made, and they have got no more evidence of bribery being committed than that to which I have just referred, and I can only come to the conclusion that prudence has prevailed, and that bribery was not resorted to. I think, if any bribery was committed, certainly, if any bribery was committed on an extensive scale, there would have been some evidence to be found of it, and I can only come to the conclusion that they were prudent, and that they did not commit bribery. Consequently, that part of the case has failed, though I certainly think it was quite right to investigate that part of the case, and I do not blame those on the side of the petitioner for making every endeavour to watch and see that everything was strictly investigated.

Now, I come at last (and that concludes the whole matter) to the point that arises upon the enactment in the new Statute which for the first time is now attempted to be put in operation, and consequently I am the first person, I believe, who judicially expresses any opinion upon its construction. That enactment, the 44th section of the 31 & 32 Vict. c. 125, is as follows: "If on the trial of any election petition under this Act any candidate is proved to have personally engaged at the election to which such petition relates as a canvasser or agent for the management of the election, any person knowing that such person has, within seven years previous to such engagement, been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by a Committee of the House of Commons, or by the report of the judge upon an election petition under this Act, or by the report of commissioners appointed in pursuance of the Act of the Session of the 15th and 16th years of the reign of Her present Majesty, chapter 57, the election of such candidate shall be void." That is the section we have to deal with: in the first place, it is to be observed that the Legislature, probably from thinking that otherwise there would be such very great danger of elections being upset upon matters that should not bring about that result, have carefully confined the operation of the enactment to the candidate having personally engaged. In the passage I quoted from Lord Barcaple's judgment, where he is dwelling upon the different kinds of agency, the first class of cases to which he refers are those where, in order to prove the man guilty of a criminal charge, you have to prove the individual guilt of the man charged; not necessarily that he did it with his own hand, but his own personal guilt. So here the Legislature have said, that in order to bring the man who is alleged to have committed the offence, within the enactment, it is necessary that he shall have been personally guilty of such offence. I do not construe personal guilt in the sense of doing it with his own hand in order to bring him within this section. I do not think it is necessary to show that the candidate went and spoke to the scheduled man himself, and said, "Act as my agent"; but I think the Statute means that it must be brought home to his personal knowledge. If I send a man out with directions to hire somebody in order to shoot somebody else, I am personally guilty of murder if it is done, though I hire the murderer in a roundabout way, and though I may not know who ultimately did it. I think, however, what is required is, that it should be personal on the part of the candidate. I think this particular section means that where it is done with the candidate's "knowledge and consent," which is the phrase used in the section immediately preceding, then it amounts to a personal engagement. Then I proceed further to consider what the nature of the employment of the scheduled person is to be. It must be "as a canvasser or agent for the management of the election." I think, in construing the Statute, and seeing what is the sort of agency that is pointed at, it is not confined by any means to a paid agent. I do not think that is the meaning of the Statute, but I think he must be an agent for the management of the election. I do not think it is necessary that he should be an agent for the management of the whole election, it is enough if he is agent for part of the election; he must be not simply an agent who might be employed to such an extent as might make the candidate answerable for corrupt practices committed by him, but he must be employed in the way of managing a portion of the election. For instance, I have intimated my opinion that Mr. Scott Chad was an agent whose act, if he had been guilty of corrupt practices as regards any of his tenants, would have avoided the election, because he was agent to the candidate. If Mr. Scott Chad will pardon my supposing such a thing, if he had been scheduled I do not think his agency was of the character pointed at by this section. The agent must be an agent having something to do with the management of the election. Taking that view of the matter, and Mr. Preston being the only one whose case we have to consider (there was no evidence to show that Cooper was employed as an agent of that sort), the question is, is there any evidence here that Mr. Preston was engaged by either of the candidates personally as an agent in the sense I have intimated, in the management of the election? In the first place, as far as Major Walpole is concerned, there is no pretence whatever for saying that he engaged him in any such sense. Major Walpole tells us to-day he was well aware that there was a list of scheduled persons, and that he avoided meddling with them at all. He says that he was in ignorance that Mr. Preston was in the schedule, which I fully believe. I think it is a very natural and probable thing; for though Mr. Preston was put in the schedule for what was done in 1859 (and looking at the evidence, I must say I think the Commissioners could not well have done otherwise), still there is no more reason why Major Walpole should have known that he was in the schedule, than that he should have heard of the 500 or 600 other persons in the schedule. His was not one of

Norfolk
(North Division).

the cases in which what was done would be prominent and notorious, and known to everybody. But Sir Edmund Lacon did not know it, and it was much more likely that he would be intimately aware of all that took place in that inquiry. And then comes the question whether Sir Edmund Lacon knowing that, knowingly consented to the employment of Mr. Preston in such capacity as I have mentioned, as a manager of the election? It is avowed, and not disguised at all, that Mr. Preston was asked to be chairman at one or two of the public meetings. It is not disputed (the candidates of course both knew of it) that Mr. Preston was asked by Sir Edmund Lacon to propose him at the election, and he did do that; but neither of those acts in themselves are acts which in the slightest degree make him an agent for the management of the election. Then, further than that, we have evidence that Mr. Preston did act in a capacity which would have made him an agent in the management of the election to some extent. I think it appears, though there was some difficulty in getting at it, that Mr. Preston attended the meetings of one of the committees, the Yarmouth committee, that he took an active part in it, that he was the chairman of it and acted as such, and I think that was evidence tending to show that he was manager of part of the election, so as to bring him within the Statute. There was a good deal of difficulty in getting at handbills and circulars, which it was alleged were signed by Mr. Preston. One was put in to-day signed by Mr. Preston, and I can hardly doubt that the others were also signed by Mr. Preston. It certainly is rather a remarkable thing that with the exception of that produced to-day, not one of those handbills should be forthcoming, and I cannot much doubt that the others would have borne the same signature, and consequently I come to the conclusion that Mr. Preston was acting as the chairman of the committee, and if the question were solely if he had committed an ordinary corrupt practice, whether such act committed by him had been brought home to an agent of the candidate, I should have thought that it was so brought home. I have very little doubt that the people at Yarmouth did know this; but the Legislature has for some reason thought fit to enact that the employment of the scheduled person, in order to bring the case within the Statute, must be a direct personal engagement by the candidate. Sir Edmund Lacon says that he did not know of Mr. Preston's acting as chairman of the committee and so on, and I think it probable that he did not. I suppose that Mr. Preston's so acting was with the knowledge of Sir Edmund Lacon's agents; they were aware of this Statute, and they were aware that by the employment of scheduled persons there would be a risk of upsetting the election; nevertheless, they thought it better to have the influence of Mr. Preston, and one or two others, acting on the committee in the same way. But at the same time, while they so procured their influence, they would do, as they had done in former cases, take great care that Sir Edmund Lacon should not know of it. Sir Edmund Lacon having been practised in former elections at Yarmouth, having seen the wisdom of not asking about money, or about questions of this sort, there is a great probability that this was not known to Sir Edmund Lacon. That would not prevent me coming to the conclusion that it was personally done by him, if I could see any evidence to show that he knew really that it was going to be done; his wilfully shutting his eyes to it would not prevent me from concluding that Sir Edmund Lacon was responsible for it; but I cannot find any such evidence.

That being so, I can only come to the conclusion that that part of the case fails. That part of the case was a very proper one indeed to investigate, and if the petition had been confined to that point alone, and had been against Sir Edmund Lacon only, I should have thought the petition a very proper one indeed to be brought forward; and if that had been so, probably, though I decided against the petition, I should not have decided that the petitioner should pay the costs. But the petition has been brought against both Members, and has extended over all the county; and it is impossible not to see that large expense must have been incurred on matters in which there has been a complete failure of proof. So that I must come to the conclusion, which what I have already said has indicated, that both Members were duly elected, and that in the present case there is no reason to depart from the ordinary rule that the costs must follow the event, and therefore the petitioner must pay the respondent's costs.

NORTHALLERTON ELECTION.

JUDGMENT delivered by Mr. Justice *Willes*, 15th April 1869.

Mr. Justice *Willes*.] THE scrutiny is over in favour, so far, of the sitting Member, and it only remains to determine whether the election is void or not. I do not know that I am called upon to go through all those points which were reserved upon the scrutiny, because I have given credit for the purpose of determining whether it would be useful to proceed further with the scrutiny for all the votes that could be obtained by the Petitioner upon the most favourable view of the cases presented. I believe that I should not be assisting anybody if I were to express an opinion upon them, although during the evening I passed through my mind the cases, and looked up again those cases before the Committees bearing upon them; but I think it would be pedantic to give an elaborate judgment upon a scrutiny which has turned out to be abortive. I can only say, assuming that I were in favour of the Petitioner upon all the cases presented in the course of the scrutiny, there would still remain a balance in favour of the sitting Member, and the only question is whether the election of the sitting Member was void upon any of the grounds which vitiate Parliamentary elections. It is now so well settled, and I think I may say accepted by the profession and the public, that a Parliamentary election is void if the Member or any agent of the Member is guilty of any corrupt practice in the course of the election, that it is only necessary to state that that is the principle upon which the person sitting here ought to decide the prayer of the Petition, that the election should be held to be void.

Northallerton.

I have already stated my opinion that it is not proved that Mr. Hutton was guilty of any corrupt practice. The corruption charged against him was a promise attributed to indiscretion, but which I could hardly characterise by so mild a name if he really gave it to Mrs. Causfield, that she should have land and a cow if she got her husband to vote for Hutton. Of course, if that promise was given it was grave misconduct, and such as Mr. Hutton, even at his age, I think, must be perfectly aware was grave misconduct, and would defeat the election. But I must say with respect to Mrs. Causfield, that I am perfectly satisfied that her wish was father to the thought, and not anything that she really heard from Mr. Hutton. The most charitable view towards her would be to suppose that she construed the ordinary politeness of a candidate towards the womankind in the house where he went to canvass, to be an assent not to anything she asked for, but to something that she had very strongly in her mind a desire to get, and either has persuaded herself she asked for, or has made up her mind to assert that she asked for. Her evidence is either evidence inaccurate or evidence false; I am satisfied that it was one or other, and that the charge against Mr. Hutton of personal corruption in the election altogether failed.

Then there was a variety of charges of bribery against agents of Mr. Hutton, beginning with the case of the ragman, who spoke of being promised by a person named George Clark that he should have his rags; and there followed a variety of witnesses who spoke with more or less clearness, either in affirming or in denying, for some of them denied that which they were called upon to affirm, that promises or hopes were held out that benefits might be obtained from Mr. Hutton in the way of land. One of the witnesses was Ann Mark, whose case was disposed of incidentally in the course of the day. But I think with respect to evidence of that class that the judge before defeating an election ought to be very sure. I ought not to say very sure, but ought to be sure; he ought to have reasonable assurance that there really was a bribe held out, or promise of some particular benefit to the voter in case he voted or abstained from voting; and he ought to be sure that those general, and, very often, more often than not, exaggerated commendations of the wealth, and the liberality and other qualities of the candidate, have not been construed or tortured by the particular witness into a promise of some special benefit to himself. Of course the whole constituency ought to choose the best man for their Member, and yet they have a right to choose the best man, not only for the council of the nation, but also with reference to the neighbourhood itself, and with reference to the special interest, I may say, of a paternal character, which the Member may take in his constituency, which a Member often takes, and which displays itself in various ways; in the way of pecuniary benefit for public objects, subscriptions to charities, looking after poor people, and so on; a general benefit to people, whether they were blue or yellow, as soon as the excitement of the election is over. And the judge ought to be satisfied in his own mind that the conversation out of which a bribe is sought to be extracted, the promise of some valuable consideration for voting or not voting, really had a special character; that it was not a mere general commendation of the Member as being a good man for the place. I must say, taking the evidence upon the one side and upon the other together, I cannot bring my mind to the conclusion that in any one instance an agent of Mr. Hutton did make a promise of a corrupt character to a voter at the election; it certainly has not been proved to my satisfaction. When I say of a corrupt character, I call everything of a corrupt character that has a tendency

Northallerton.

to influence a man's vote with reference to mere lucre, instead of honest considerations, including considerations of that legitimate influence which I have already stated it is impossible to exclude, and which the attempt to remove by law I believe would probably turn out, I am sure would turn out, to be very ineffectual, because it is part of the nature of things, which the law has to deal with and to regulate, and which it cannot alter.

Then I pass over the head of corruption, which one has had to consider in other places, that of treating, by saying that in only one instance has there been a suggestion of any treating in this place; that glass of beer and cigar which we heard of to-day I think were the only bodily forms which the treating took. There was a suggestion of it at one period of the proceedings, I think, but only a suggestion, in order to withdraw any charge founded upon it. Now I must be allowed to say upon this, that there is moderation in all things, and there ought to be a moderation even in one's desire to sweep away the corruption which is alleged to be so prevalent, but which in many of the places I have visited, certainly including Northallerton, has been rather thought of by the suspicious than established by any proof. There is some moderation, and I think if I were to take serious notice of the cigar and glass of beer given some time before the election, I should not leave a good character for wisdom behind me in Yorkshire. It was no corrupt treating.

Then I go on to the case of intimidation, and I quite agree with what was said by my brother O'Brien, as to intimidation. It probably is not the most dangerous form of corruption, because if it is carried into effect, it is sure to be proved by the victim of it, and in two signal instances in the course of these election proceedings, the elections have been set aside upon the ground of intimidation, in the form of workmen being turned away because they chose to have different political opinions from their masters, or from the managers under their masters. That, of course, the law will not tolerate. The law will not tolerate that a man should tyrannise over the opinions of others; and if an agent of the candidate is guilty of the misconduct of doing so, the candidate cannot retain his seat, even though he himself be entirely innocent of any interference in the matter, and even though it should turn out that it had no real effect upon the majority. Corruption in any form is odious, corruption in that form is detestable. Only a rogue, as a rule, can be bribed; he is a rogue by accepting the offer, but an honest man may be intimidated. It is sufficient, however, to say that the law is such that if you prove intimidation by an agent you defeat the election. In this case intimidation is said to have been practised upon the voter, Mr. Stubbings. Mr. Stubbings does not appear to have been intimidated. He appears to have given his vote, as he finally made up his mind to do, for the yellow party. But if a person who tried to intimidate him turned out to be an agent of Mr. Hutton, even though the intimidation were not successful, it would defeat the election. The real question is, whether Curry or any of the other persons who formed part of the congregation of Mr. Stubbings, did cast intimidation upon him. Curry did canvass for Mr. Hutton.

Mr. O'Malley.] There is no proof of Curry canvassing.

Mr. Justice Willes.] I have looked through the evidence, and there is, I think, evidence by one person to the effect that Reed and Curry canvassed.

Mr. O'Malley.] Not Curry.

Mr. Justice Willes.] I should be very glad to be corrected, but my impression is that there was evidence of Curry canvassing. I will ask Mr. Hutton whether Curry went with him canvassing?

Mr. Hutton.] No, my Lord.

Mr. Justice Willes.] Curry did not go with you?

Mr. Hutton.] No.

Mr. Justice Willes.] I understood one of the witnesses to state that Curry did go with you canvassing.

Mr. O'Malley.] He did not even know him.

Mr. Serjeant O'Brien.] He might be with him, and not know him.

Mr. Justice Willes.] I suppose I rather assumed it in consequence of the evidence not being stopped; but in the view I take it is not material, and probably in the view Mr. O'Malley took it is not material. Certainly, this is the first time I have heard that the evidence as to Curry was objected to on the ground that he was not an agent. I was rather assuming him to be an agent, and I thought one of the witnesses had stated that he canvassed.

Mr. O'Malley.] It would not be an objection to his evidence.

Mr. Justice Willes.] What do you say was the evidence?

Mr. Serjeant O'Brien.] I do not say that we affected Mr. Hutton with any agency upon the part of Curry. I have been inquiring of my friend Mr. Shield —

Mr. Justice Willes.] Then this ought not to have been introduced at all into the first part of the case. This really is disposed of with the scrutiny. It would have been a serious

serious error on my part if I were going to deal with the act done as being an act affecting the election, to take it even upon the silence of counsel that Curry was agent; but I have been rather assuming, as Curry was not stated point blank not to be the agent in the previous part of the case, that he was one of those persons who was said to have gone about canvassing with Mr. Hutton.

Mr. Serjeant O'Brien.] I was under the same impression.

Mr. Justice Willes.] It was my impression, but I have Mr. Hutton's statement that he was not. I do not think you had told us that before, Mr. Hutton?

Mr. Hutton.] I was not asked the question.

Mr. Justice Willes.] Then it passed *sub silentio*. I will finish what I have to say upon the assumption, for argument sake, that he was the agent, because that is the view I have been taking of the case. I have excluded Goldsborough from the case, because I think Goldsborough, upon Stubbings's own account of the matter, did not intimidate him in reference to his vote at all. He objected to his allowing the school-room to be used by one political party; whether that was a reasonable or an unreasonable objection—I am inclined to think it was a reasonable objection—it certainly does not appear to me to come within the 5th section. But with respect to Curry, assuming that he were an agent for Mr. Hutton, I am called upon to decide that Mr. Stubbings's account of the matter is correct, that Curry, without any reason whatsoever, except the desire to serve the political party to which he belonged, threatened Mr. Stubbings that he would give up his pew in the chapel if he voted, according to his conscience, for the yellows, if he did not sit still. If that were so, I desire to say, as at present advised, I should have held it to be a case of intimidation within the 5th section, and should have thought it necessary to go back through the notes for the purpose of satisfying my mind whether there was, as I had supposed, any evidence which would justify me in holding Curry to be an agent (I think not after Mr. Hutton's statement, to which I give entire credence), or whether, on the other hand, I should take Curry's account of the matter, and conclude that what passed between him and Stubbings was not really an act of intimidation on the part of Curry, or so intended; that it was not a tyrannical interference with another man's vote, but that it was a resolution come to by him in honest anger at Stubbings, for having changed his mind as to sitting still, which Curry alleges he had undertaken to do. Curry states that what took place was no intimidation at all on his part, but that it was a thing done in anger, whether reasonable or unreasonable, in consequence of Stubbings, as he thought, behaving in a shifty manner. And without justifying Curry, because a man has quite a right to change his mind as to whether he will vote or not up to the last moment; but without justifying what Curry did, I do not think I ought to come to the conclusion against him that he really meant it as intimidation. It was, I must use the expression, a squabble in the congregation, without any thought of intimidation upon the one side or upon the other. Looking to the relation between the parties, and to the unusual character of this sort of intimidation, which generally comes from the opposite direction, if it comes at all, I think I should be wrong in passing upon Curry the severe judgment that Stubbings seemed disposed to do, and without expressing any opinion further upon the subject, I should not have been content to act upon Curry's passage with Stubbings, even if it had been proved, which it now turns out it was not, that Curry was an agent.

With respect to Palliser, I was very strongly impressed with that case when it was opened, and indeed up to the end of the case for the Petition, and until Palliser himself was called and examined. But I quite believe Palliser's evidence, and when Cross was called it became as clear as light, that the letter which formed the whole sting of the charge of intimidation as against Palliser, was a letter written by Cross, as a bad joke, for the purpose of frightening Palliser's workmen, and that Mr. Palliser had nothing whatsoever to do with the matter. Cross appears to have apologised for that as long since as October, and that apology was published, and everybody must have known of it. I must say I feel slightly hurt at the thought of the apology not having been brought forward earlier to my notice, because I have been wasting a great deal of, I hope not unwholesome, sentiment on the case of Palliser, thinking that I should certainly have to set aside this election by reason of the letter of the 25th of September, which he was supposed to have written to his workmen, and which, if he had written, would have been an infamous act—an act worthy of all the objurcation cast upon it by my brother O'Brien; but the letter appears not to have been written by Palliser at all, but to have been invented by Cross, who I hope will conduct himself better in America, otherwise he will be very likely to meet with summary justice if he is not reached by the slower process of legal proceedings.

This appears to be the whole of the case. The only general remark I have to make is, that Northallerton has passed through the ordeal with very great credit. I must deem and determine that John Hutton, the Member whose election is complained of by the Petition, was duly elected and returned. I must report, that no candidate at the election is shown to have been guilty of any corrupt practices, and that there was no corrupt practice at the election with the knowledge and consent of either candidate. And I must further report, that no corrupt practices extensively prevailed, and that there is no reason to suppose that corrupt practices extensively prevailed at the election. With regard to costs, I see nothing to exempt this case from the general rule.

SARUM, NEW, ELECTION—(SPECIAL CASE).

New Sarum.

JUDGMENTS delivered by the Lord Chief Justice *Bovill*, Mr. Justice *Willes*, Mr. Justice *Montague Smith*, and Mr. Justice *Brett*, 5 May 1869.

Special Case.

Lord Chief Justice Bovill.] I AM clearly of opinion that the 98th section of the Registration Act of 1843 is incorporated with "The Representation of the People Act, 1867," and that this case must be governed by the construction which we think ought to be placed on that section. The occasion of this enactment was the doubts which are recited to have arisen with respect to the power of Election Committees to inquire into the validity or invalidity of the votes of persons being upon the register; and after providing for certain cases, the section concludes by enacting, "that except in such cases, or on such grounds as aforesaid, the register of voters in force at the time of such election shall, so far as regards the proceedings before such Committee, be final and conclusive to all intents and purposes as to the right to vote in such election of every person who shall be upon such register."

If we were to give effect to Mr. Quain's argument, the result would be, that instead of the register being conclusive, we should hold it to be only *primâ facie* evidence of the right to vote. But the words are express that the register shall be conclusive except in the cases which are previously mentioned. What are those cases which are previously mentioned? One case is where an objection has been raised before the revising barrister, and the vote had either been allowed or expunged, or refused to be inserted by the *express decision* of the revising barrister. That must refer to matters which might properly come before the revising barrister, and upon which the right to be upon the register would depend. It is only those matters upon which he could give an *express decision*. All cases relative to the general qualification would seem to come clearly within that part of the section, and possibly others also. The second case in which the register is not to be conclusive, is where there is at the time of voting a legal incapacity under an Act of Parliament. And the third case is that of legal incapacity at the time of voting, which may have arisen subsequently to the expiration of the time allowed for making out the list of voters from which the register of voters in force at the time of such election shall have been formed. Those are the three cases in which the register is not to be conclusive.

Now it is not contended on the part of the Appellant, that the present case comes within the first class, namely, where there has been an express decision of the revising barrister. Also it is not contended that this is a legal incapacity arising subsequently to the expiration of the time allowed for making out the list of voters. But it is contended by Mr. Quain that it does come within the second class of cases, namely, of legal incapacity at the time of voting under and by virtue of the statute.

The nature of this objection is one which goes to the qualification and to the right to have been upon the register at all. It is an objection which might have been taken before the revising barrister, and upon which the revising barrister might have been required to give an express decision. But the objection was not raised before him, and he was not required to decide it. It was a matter which existed at the time of making out the lists of voters, and at the time when the revision court was held. And the objection was one, which, if good (about which I do not mean to suggest any doubt), might have been taken, and upon which the votes might have been disallowed. Had the objection been taken and the voters' names been struck off, in that case there would have been an express decision, and the question would have been brought within the first class of cases, in which the register is not to be conclusive by express enactment. It seems to me that if the objection is to the general qualification, as this is, the case then comes within the description of the first class of cases, upon which the decision of the revising barrister must be taken, otherwise that the register will be conclusive.

I cannot give the wider interpretation, which Mr. Quain proposes, to the words "legal incapacity at the time of voting," because that would include all cases which the revising barrister might have decided, including all questions of qualification in the sense that Mr. Quain has contended for. The words are "incapacity at the time of his voting under and by virtue of any statute," and those words are very well satisfied by placing the construction upon them for which Mr. Mellish contends, without including cases where it is sought to object to the general qualification upon which the right to be upon the register depends. If a man at the time of voting is an officer of the Customs or Excise, or is employed by the Government in the Post Office, there is a legal incapacity under a statute, and the clause would clearly apply to those cases. There may be others,
but

but whatever cases may be included within those words, I am clearly of opinion that the words "legal incapacity at the time of voting under a statute," as used in the 98th section, do not include this objection, which is one to the general right or qualification to be placed upon the register. Therefore it seems to me that this case is not brought within any one of the three exceptions mentioned in section 98. It is only in cases which are brought within one of those three exceptions that the register can be opened, and in all other cases it is declared expressly by the statute, that the register shall be final and conclusive to all intents and purposes. This case not being brought within either of the three exceptions, I think that this register was final and conclusive, and that the present appeal must be dismissed.

Mr. Justice *Willes*.] I AM of the same opinion. I would only add, that no case has been produced in which it ever has been argued or suggested, that I know of, under the 98th section, that the fact of a man not having been rated before the 31st July (an objection which must have been then complete in order to be effectual, so that in every case in which it could be effectual the objection might have been disposed of before the revising barrister), has been re-heard upon a proceeding analogous to that upon which we are engaged at the present time—I mean before an Election Committee. There have been many cases before Election Committees in which more doubtful points have been rejected, where the objection was complete before the 31st of July, and no point was raised before the revising barrister. I will take, for instance, the case of Ailesbury, which is reported in 1st Power, Rodwell, & Dew, page 82. The Reform Act retained the qualification of the Ailesbury freeholders in respect of persons who had a right to vote on the 7th of July 1832, and the objection was taken in that case to the Petitioner's right to vote, because he was a minor on the 7th of July 1832. But he had come of age before the election, and upon its appearing that no objection had been taken before the revising barrister, the Committee held that he was a good Petitioner, although objection had been taken before the Committee to his right of voting, and consequently to his right to Petition.

I cannot recollect to have met, in the election reports, with any case in which an objection to the registration complete before the 31st of July, not raised before the revising barrister, has been allowed to be raised before the Committee. That being so, I should have thought that the common-sense interpretation of the 98th section would afford very strong grounds for declining to take a new course.

Mr. Justice *Montague Smith*.] I AM of the same opinion. The rating is part of the qualification as much as the occupation of the tenement, or, under the old Reform Act, the value of the tenement; and if this Court could go into the question of rating, which might have been gone into before the revising barrister, it follows, as was admitted by Mr. Quain, that the Court would have equal jurisdiction to entertain all questions which go to make up the qualification of occupation, or the other qualifications which are given, although not decided by the revising barrister. The words on which he relies are those found in the latter part of the 98th section of the 6th Victoria, c. 18, "and also that it shall and may be lawful for such Committee to inquire into and decide upon the right to vote of any person who, being upon such register, shall have voted in such election, so far as the same may be disputed on the ground of *legal incapacity* at the time of his voting under and by virtue of any statute." Looking at that enactment with the previous part of the clause, it seems to me plain that the Legislature intended to draw a distinction between the title of a person to be put on the register, in respect of occupation or otherwise, and all the matters that go to make up that title, and the legal incapacity to exercise the right to vote, although the name of such person was upon the register; and that it was intended that in the latter case only should an inquiry, under any circumstances, take place by the Committee as an original inquiry. In the clauses which give the right to vote in the Act of 1867, a distinction is again made between legal incapacity to vote and the matters which go to the title to vote by reason of the man being an inhabitant occupier. The 3rd clause is, "Every man shall be entitled to be registered as a voter, and, when registered, to vote for a Member or Members to serve in Parliament for a borough, who is qualified as follows (that is to say): 1. Is of full age, and not subject any legal incapacity," which goes to the personal status of the man. Then the rest of the clause relates to his qualification or title to an occupation franchise. "2. Is on the last day of July in any year, and has, during the whole of the preceding 12 calendar months, been an inhabitant occupier, as owner or tenant, of any dwelling-house within the borough; and, 3. Has, during the time of such occupation, been rated as an ordinary occupier in respect of the premises so occupied by him within the borough, to all rates (if any) made for the relief of the poor in respect of such premises; and 4. Has, on or before the 20th day of July in the same year *bonâ fide* paid an equal amount in the pound to that payable by other ordinary occupiers in respect of all poor rates."

Mr. Quain argued that inasmuch as it had been before held, as he stated, by the Committees of the House of Commons, that they had the power to go into the right to vote, and to strike off the vote from the poll where a man had ceased to reside after the 31st of July, and so was disabled from voting by non-residence under the proviso in the 79th

New Sarum.

Special Case.

clause of the 6th Victoria, c. 18, and as they had done that, as he asserted, by virtue of the power at the end of the 98th section, therefore treating it as a legal incapacity, it gave him a foundation for contending that the words "legal incapacity" in that 98th section, would extend to all the elements which went to make up the vote. I have not sufficient knowledge of all the cases before Committees, to say whether it has been so decided or not; but certainly it seems to me that it was unnecessary so to decide. The only way in which effect could be given to the proviso of the 79th section, namely, that a man ceased to be entitled to vote if he had not resided within the borough during the whole period from the 31st day of July to the time of voting, at all events where the non-residence was subsequent to the revision, was by a decision of the House of Commons. Therefore if this express power to inquire into the right to vote on the ground of legal incapacity had not been given in the 98th clause, I should have thought that the Committee, by necessary implication, would have had jurisdiction and power to give effect to the positive and prohibitory words of the enactment of the 79th section, by striking off the vote of a man who had not resided ever since the 31st of July. It is unnecessary to go into the other questions, which Mr. Mellish admitted were of some doubt, because they really do not arise in the view we take. It seems to me in this case that it is perfectly clear that this Court has no power to touch the register by striking off these votes, or to strike them off from the poll of the Respondent.

Mr. Justice Brett.] It seems to me perfectly clear that the 79th and 98th sections of the 6th Victoria, c. 18, are applicable to the new franchises given under the Statute of 1867. It seems to me that there is a difference, and a great difference, between "the title to be registered" and "the capacity to vote." By the 3rd section of the Act of 1867 every person shall be "entitled to be registered" who is qualified in a particular way. That section, therefore, goes to the title to be registered. The objection which is taken to the votes in question seems to me to be one exclusively pointed to the title to be registered. That being so, the case falls within the 79th section of the 6th Victoria, c. 18, and within the latter part of the 98th section, but is not within the first part of the 98th section, because the point raised was not expressly decided by the revising barrister. Where the objection is one taken exclusively to the right to be registered, it cannot, in my opinion, be questioned by the Court any more than it could formerly be by the Committee, unless the revising barrister has expressly decided upon the point. And the present case, as it seems to me, is not within the other enactments of the 6th Victoria, c. 18, because the objection has nothing at all to do with the question of legal incapacity as distinguished from the title to be registered. I think, if we were to hold otherwise, we should be holding contrary to every decision of every Committee of the House of Commons which has been given since the passing of the 6th Victoria, c. 18. We should be what has been called opening the register. I think that unless we can see clearly that a continued course of decisions of Committees upon a given point has been wrong, we ought not to decide contrary to those decisions. So far from those decisions being wrong upon the point now under discussion, I am of opinion, so far as I can judge, that they were clearly right; and therefore I think that this objection cannot be maintained.

Mr. Mellish.] My Lords, I am to ask for costs.

Mr. Quain.] The costs are left to your Lordships' discretion, by agreement between the parties.

Lord Chief Justice.] We need not trouble Counsel. This is a special case reserved for the opinion of this Court; the decision is in favour of the Respondent, and there is no reason why the usual course should not be followed. The costs must follow the event.

SOUTHAMPTON TOWN ELECTION.

Southampton
Town.JUDGMENT delivered by Mr. Justice *Willes*, 23rd April 1869.

[Mr. Justice *Willes*.] THIS is a Petition praying that it may be determined that Russell Gurney and Peter Merrick Hoare were not duly elected or returned at the last election for this borough, and that the election was void, or that George Moffatt, a candidate at the election, was duly elected, and ought to have been returned.

It is quite unnecessary, in disposing of the Petition, that I should say much, because the views which I entertained upon the various questions of law arising upon the facts were stated yesterday for the purpose of indicating to the learned counsel for the Respondents what part of the case made on the part of the Petitioners appeared to require attention and answer from the Respondents. So far as the claim to the scrutiny is concerned, inasmuch as it has been withdrawn and all the evidence which might possibly have been brought before the Court has not been laid before me in a form in which I can deal with it judicially, it would not be right, I think, to say more than that I am satisfied that the learned Serjeant, brother Ballantine, has given very prudent and wise advice to his client, so far as I can form a judgment upon the case. So far as it would be proper that I should express an opinion, I may express a very decided one, not so much in point of law as with reference to the conduct of an advocate, although brother Ballantine does not require any expression of opinion from me in favour of his prudence; I repeat that I am thoroughly satisfied, and I desire to say so emphatically, if it be any satisfaction to his client, that the advice which he has given was very prudent and wise advice under the circumstances of this case.

Passing away to the subject of the Petition, it is right to make a few general remarks; I do not propose to exhaust all that could be said upon the case, but rather to say what may be useful in order to prevent any mistake as to the ground of the decision.

There is no suggestion, and certainly there is no ground for suggesting, that there was any general or prevalent corruption or suspicion of such at the last election for this borough. There is no suggestion, and no suspicion of any system of bribery; treating is out of the question, except so far as any remark is to be made upon the two gallons of beer which appeared to have been given to the men at the docks, not by anybody connected with the Respondents; and any general intimidation is out of the question.

The Petition was founded upon suggestions of individual cases of bribery and individual cases of intimidation. Where there is no general corruption in a constituency, when you come to deal with individual cases, it is necessary, in order to vitiate and void the election, to prove not only a violation of the law, but that that violation took place with the knowledge and consent of the Member or an agent of the Member. I may dispose of all the cases of alleged bribery, with the exception of what was insisted upon as to the employment of the children of voters, and with the exception of the suggestion made in the evidence of Withers, by saying that the persons who are alleged to have bribed are not shown to have been agents of either of the Respondents. I may take one case, that was the man of the name of Chandler, who spoke of being bribed with a promise of 10 s. worth of drapery goods for his wife, by a Mr. Biddlecombe, as an instance of the class of cases got rid of by this remark. There was no proof that Biddlecombe was an agent of Mr. Gurney or of Mr. Hoare; if Mr. Biddlecombe had been an agent of Mr. Gurney or Mr. Hoare, it would have been, unless that case was disproved or explained, a ground for defeating the election. As Mr. Biddlecombe does not appear to have been an agent of Mr. Gurney or of Mr. Hoare, unless further investigation for the purpose of the scrutiny had removed the evidence of Chandler, or rather of his wife (because I need hardly say I paid very little attention to such a person as Chandler described himself to be), the only result would have been that the vote of Chandler and the vote of Biddlecombe would have gone off on the scrutiny.

It is right to add, in order to prevent any mistake of what the law may be, that a considerable number of such cases, even though not traced to any agency affecting the Members amounting to general corruption, would have the effect of defeating the election apart from agency; I am dealing now with the effect of some few cases, and in dealing with one or a few cases, any charge of general corruption being out, it is necessary to establish agency; and in Chandler's case, and some others which it is unnecessary to go through (as I named all of them, I think, in the course of yesterday), either proof or suspicion of the existence of agency was not in any of them established.

That brings me to the cases in which agency was established; I think it right to say that I rather anticipated the course which has been taken. I have gone through the whole of this evidence carefully in the course of last evening and this morning, and I rather came to the conclusion that that would take place which has taken place. That may account for my being prepared to state what I think of the matter, without taking time for further deliberation. I rather think that in the course of yesterday the only cases in which agency was established appeared to be the cases spoken to in Withers' evidence, and the employ-

Southampton.

ment of the boys as affecting the question of bribery ; and the case of Mr. Day, as affecting the charge of undue influence. With respect to Withers, his evidence may be put out of the case with a word. According to him, he went upon an expedition, near the close of the poll, with Mr. Gray, who was the agent of Mr. Hoare, and bribery was spoken of in a manner and under circumstances such as made it exceedingly likely that Mr. Gray was upon a bribing expedition ; and if Mr. Gray had not been called to give his own account of the matter, it would have been necessary to consider how far Withers ought to be believed, and his evidence acted upon. In arriving at a conclusion upon that, of course quite apart from the aspect of the man, and the watching of the mode in which he conducted himself in the box, there would have to be taken into consideration the account he gave of himself and of his previous transactions ; not at all upon the ground that he happened to be unfortunate in business, because that will happen to the best man, and may be open to explanation, but upon the ground that he made what appears to me to be a point blank false statement as to the circumstances which, but for the learned counsel having, probably unknown to Withers, the means of exposing the falsity of it, would have passed muster as truth. There was strong reason for thinking that Withers was not a man much to be depended upon. Had that evidence not been answered, Mr. Gray being in court, I think that gentleman would have run the risk of the Court believing what was said against him, even by a shifty person like Withers, when he had an opportunity of answering it and did not answer it. However, Mr. Gray was called, and contradicted the statement of Withers, under circumstances in which I believe him. It does seem improbable in the highest degree, that the agent of a Member picking up a stranger, whom he had never seen before the day of the poll, on that day and at a critical period of it, should expose himself to detection in the way Mr. Gray is said to have done ; and I think when the evidence of those witnesses comes to be compared, Mr. Gray's is to be preferred to that of Withers ; and therefore brother Ballantine certainly lost nothing by at once saying, as became him, that he could not maintain the case upon Withers' evidence against that of Mr. Gray.

Then there is the case of the employment of the boys. I have gone through all that evidence with a view of seeing what it comes to. It appears that the municipal election took place upon the 2nd of November, and the Parliamentary election on the 17th and 18th of the same month. I must observe, with respect to those elections, that they are *primâ facie* distinct ; there is no necessary connection between them, and it is not enough to show misconduct with reference to the municipal election without connecting that election in some way with the Parliamentary election. No evidence was given in this case to connect the two elections, to show that they were part of one political contest. There have been cases in which it was clear that the municipal election and the Parliamentary election were part of one political contest, and that corrupt action at the municipal election either was expressly intended to operate upon the Parliamentary election, or that the necessary result of what was done at the municipal election was to affect the Parliamentary election ; whereupon the principle being applied that persons must be taken to contemplate the natural consequences of their acts, an intention to affect the Parliamentary election ought to be attributed to people who were shown to have misconducted themselves with reference to the municipal election, and to agents of the Members who have been guilty of corrupt practices in the course of the municipal election, but with a view to the effect of such practices upon the Parliamentary election, or the practices being such as must necessarily have affected the Parliamentary election. In such cases the judges have held that the two elections were, under the circumstances, really parts of one and the same political contest, and that the Members in the Parliamentary contest were bound by the acts of their agents in the course of the municipal contest. One of those cases was the case of Beverley, which has been very much discussed. Of course I do not at all refer to what took place in the House of Commons, although it would be prudery even to suggest that I do not know what took place there ; but many remarks have been made upon the course taken by my brother Martin at Beverley, in dealing with what was done immediately in respect of the municipal election, as having an effect upon the Parliamentary election. I desire to say, not at all with the view of confirming what my brother Martin said at Beverley, because his authority can receive no increase by such an addition, but in order to let it be known that I have thoroughly considered this matter, and whilst I concur in what was done in this respect by my brother Martin at Beverley, I act advisedly in the present case in not taking the same course here as was taken at Beverley, because here the evidence fails to connect the two elections. I desire to add, that at Blackburn I followed the same course which was taken by my brother Martin at Beverley (a course which I entirely approve), and held the Parliamentary election to be void in consequence of intimidation practised upon workmen, immediately following the municipal election, which, in my opinion, had a necessary effect upon the voters at the Parliamentary election. I only mention those cases for the purpose of saying that the circumstances of the present case are altogether different. There was no evidence here to show that the two elections, which legally and *primâ facie* are distinct, were connected, with the exception of the fact of Mr. Jellicoe having been employed as agent at the municipal election, and also having been employed as agent at the Parliamentary election. The same person happened to be employed as an agent at each by distinct employers, but it is not at all shown that Messrs. Gurney and Hoare took any part in the municipal election, or that otherwise than in that one respect was there any connection between the one and the other ; and the same remark applies,

applies, so far as the evidence has gone, with respect to Mr. Moffatt and Captain Maxse, with regard to the municipal election.

Upon these grounds it appears to me that the employment of the boys at the municipal election by Mr. Jellicoe does not (I speak guardedly) have any necessary effect upon the Parliamentary election. And when I add to these circumstances the fact that neither Mr. Gurney nor Mr. Hoare ever were consulted about, or knew anything of the employment of, these boys, and that Mr. Hawse, the agent of Mr. Gurney, having before the municipal election found that a number of small boys were employed, forbade their employment with reference to the Parliamentary election, I think with respect to those who were employed only at the municipal election, it would be contrary to common sense and justice to bind the Parliamentary candidates with the employment of the boys for the municipal election purposes.

Now having said that, I will observe that with respect to a very great number of the boys who were called, it is clear to my mind, upon the evidence, that they were employed with reference to the municipal election only. And I say that, not only upon the evidence of Mr. Jellicoe (who was, I must say, a very nervous witness, whose hesitation possibly is open to explanation upon that ground), but quite apart from his evidence, I can refer to several of these boys who clearly were employed at the municipal election, and not at the Parliamentary election. One of them, for instance, is Joseph Paddington, a boy of 12. I came to the conclusion, upon comparing his evidence with that of his father, that it was for the municipal and not for the Parliamentary. I should say the same with respect to Albert Anthony; his age was not given. I should say the same clearly with respect to Thomas Bright, and the same with respect to William Kingswell. Now these are cases in which the evidence, whilst it was being given, seemed to act upon the Parliamentary election, but when it comes to be looked at and considered, it is clear that it applies to the municipal election only, and not to the Parliamentary election.

There is a great deal of evidence also which seems to be removed from the case. I think it is very questionable whether the evidence of Floyd comes to much. I marked his case with a query, as it went by. Looking over the notes, it is not at all clear to my mind that that is a case of consequence, except that the boy Floyd was one of the two boys who spoke of the work not being much. The boys generally spoke to having a good deal to do, and though they were idle for some hours in the day, they appear to have been watching and waiting to go on messages when they were wanted. I do not think that Floyd's case is of so much importance, except so far as that statement was given. I think that there was really work for these boys to do, although I am inclined to think, so far as I can judge, that it was rather overpaid, and paid somewhat more handsomely on the one side than on the other. One of these boys spoke to getting as much as 12 s. a week on the one side, and he went to the other side, and instead of getting only 2 s. a day, or 12 s. a week, he got 18 s. a week, or 3 s. a day. With respect to Simms, the youth of 15, he spoke of having real work, and the money was not paid to his father, as I collect from the evidence. That is a case of a boy grown up, and the money, as I recollect, not being paid over to his father. George Wareham was a boy who worked one day for nothing. He, of course, is out of the case. His services were lent, and he got nothing for them. George Hopkins was 20, and he appears to have got the work for himself, and not to have been employed at all at his father's request. Champness' son was 15, and he took his son away from the Tories as a point of honour, because he did not mean to vote for them. That again comes to nothing. Hurford proved nothing. Bartlett proved nothing, he had four sons, and none of them was employed. Henry Wyndham was 21, and he was not employed on the application of his father. That does not seem a case to be relied upon. Walter Cocks was not connected with a voter. I have already observed upon several who appeared distinctly to have been connected with the municipal election. Paddington, Anthony, Bright, and Kingswell. Hayes was called; he had two sons, and neither of them was employed. Alexander McDonald—I have not got his age, but, if I recollect, he was a sturdy, well-grown lad, who seemed quite able to take care of himself—was not one of the small boys, and he appears to have been employed not at all upon the application of his father, but upon his own; and I think his father said he was employed against his will or against his wish. He appears to have spent what he got upon himself. That is not a case that could be relied upon. Then as to John Smith, his son was 30 years of age. I take these rather in batches than in the order of the evidence. There was Saunders, who was a man in the same condition as John Smith, because his son was 25, and he was married, and Saunders got none of the money.

I think Sillance and Harrison are the only two I have not gone through. Sillance was the one who I think was first employed, at wages of 12 s. a week. That is one of the cases that would, unless disproved or explained, have gone off on the scrutiny. Sillance's account of himself was not so bad as that of the man Chandler; but it appeared that he was desirous of getting some consideration for his vote, and his son appears to have gone to the Whigs for a certain time, and got 12 s. a week, and having worked for them two weeks, as I collect, at the municipal election, he said they only paid for one week, and then, having promised them to vote, he broke away from them, and went to the Tories, who were to have given him 3 s. per day. The person who employed his son was Pope. Pope was not an agent. Pope was, I think, first stated to be a gardener, and afterwards described in a manner which led me to believe he was a groom; perhaps he is both; he certainly was not an agent. I refer to that case rather for the purpose of comparing the prices. I think I could form a pretty good guess what would be a fair

Southampton.

sum to give a boy a week in regular employment, but I am not sure that I can trust myself to say exactly what would be a proper sum a day for occasional employment for a spurt, so to speak. I think it possible, under such circumstances, a little more than ordinary prices might be allowed; I do not feel called upon to give an opinion upon it. It would be only one of fact, and I do not pretend to have any particular knowledge upon the subject. One must have it proved tolerably clear before acting upon a case of alleged colourable employment as bribery, either that it was one where a man was employed apparently to do something, but really to do nothing, or next to nothing, so that the payment, or part of it, is as much a gift to him as if there was no pretence of employment at all; in other words, either that there really was nothing for him to do, or that the amount was something so obviously and distinctly beyond any fair payment for work, that the excess must be set down to corrupt intention. I think I may pass over Sillance's case. It is not very distinct in my mind that that boy, who was 14 years of age, was not employed at the Parliamentary election, even taking Mr. Jellicoe's evidence; but he is a bigger boy than many others. I might pass it by saying that in any construction of the evidence Pope would not be an agent. But supposing that I ought to conclude that he was employed at the Parliamentary election, and that Jellicoe must have known of it, I think the evidence does not come near what would justify a conclusion that it was a corrupt employment by Jellicoe so as to vitiate the election of his principals.

Then there was the case of Harrison. I must say that the case of Harrison, taking the account given by the father, is the most distinct of these cases for the purposes for which his evidence was given on the part of the Petitioner. That was the reason, no doubt, why he was called first. But when the evidence of the father comes to be compared with the evidence of the son, it is anything but distinct. It seemed at one time as if Harrison was called, not merely to prove an employment, and a colourable employment, but as if he meant to say that Mr. Jellicoe had actually bribed him—had given the son employment, upon the statement by Harrison that he would not vote either at the municipal or the Parliamentary election for the Tories unless the son had employment; and if you take the evidence of the father, the son was employed not merely at the municipal election, but up to the Saturday before the Parliamentary election. And he stated it with circumstances such as leave no doubt that the impression upon his mind was that the employment continued after the municipal election, and up to the eve of the Parliamentary election. He, however, stated that the employment was for a fortnight.

Now take the opposite side of the picture; it seems, when you come to look into his evidence, that the conversation in which he alleges that there was a stipulation for employment in a form which would be literally a bribe, was not with Jellicoe, but was with Pope; and when you come to compare his evidence with that of his son, it will be found that whilst the father speaks to a fortnight, the son speaks to a week, and the son is not certain as to the time when the week's employment took place. It requires, therefore, very wary walking in dealing with that evidence, not to make the mistake of coming to a hasty conclusion that the father must be in the right on every point that is to be decided; he appears to have applied to Jellicoe, and simply asked him for employment; Jellicoe took down his name, and told him to look up again; then after about a week the boy was sent for; that does not look like a design on the part of Jellicoe to entrap the voter; he took time to consider, and sent for the boy when it may fairly be supposed he had something for the boy to do. Then he says he afterwards saw Pope; he appears to have got a note from Mr. Jellicoe, which is not produced; he appears afterwards to have seen Pope, and to Pope it was that he made that statement. "I shall turn round and vote for the other party on both the municipal and Parliamentary election, if I cannot have my boy employed. Q. Was your boy employed after that?—A. Mr. Pope then said, 'Send him up to the committee-room, and I will find him employment.' That looks very like a conversation between a person whose boy had originally, at least, been employed for the municipal election, and who wanted a continuance of his employment at the Parliamentary election, and it was not addressed to Mr. Jellicoe, but it was addressed to Pope, who was a person in the position of a mere servant. It looks, circumstantially, unlike any unfair dealing between the agent and the voter, and it also looks, circumstantially, unlike any impression upon the mind of the voter that the agent, Mr. Jellicoe, was likely to yield to any such corrupt pressure on the part of the voter. When you come to consider that, I think it amounts to an acquittal of Mr. Jellicoe, and that another person was the one addressed, and that other person was in the same condition of life as Harrison, to whom, therefore, he might venture to make such a proposition, if he did make such a proposition. I observe that it was put to him by Mr. Hawkins distinctly, and the question was raised at once; I did not recollect it, but upon looking at the notes, I find there was distinctly raised upon the first cross-examination the distinction between the municipal and Parliamentary election. "Was it in November or earlier?—A. I do not remember; it was soon after the election began. Q. What election?—A. The canvassing." That seems to show very considerable confusion of ideas to mix up the canvassing with the election; he cannot tell which month it was. "Q. Was the municipal election going on at that time?—A. Not at that time; it was afterwards. Q. It was before the municipal election?—A. Yes. Q. Cannot you give me the date?—A. I could not, unless I got the note;" that is the note from Mr. Jellicoe. That makes it the more dangerous to rely upon his evidence as to the time without something to assist you; he says himself he cannot tell the date without the note. "Q. Was it in October?—A. I cannot say; it was before the municipal election. Q. Was it in the summer?—A. No. Q. Can you tell me within a month

a month how long it was before the general election took place?—*A.* I should think about a month.” Then he is asked what the boys did; he undertook to say that it was for the Parliamentary election that the boys took out the circulars. Then he is asked, “*Q.* When did you see Pope; about a month before the election?—*A.* No, a fortnight before the election. *Q.* That would be just before the municipal election?—*A.* The municipal election was out then when the meetings were held down there.” His fortnight does not seem to be very precise, because, if it were precise, the municipal election would not be out then; it would be over then. Then he said his boy was employed up to the Saturday before the general election; that really is the substance of the evidence. The son is asked as to the work; he thought it was hard work; Sillance thought it was not hard work. Then he is asked at the end, the father having said he was employed for two weeks, “I understood you to say you were two weeks; were you there two weeks or one week?—*A.* One week.” The father said a fortnight; he spoke of the time in the manner I have referred to, and the son, when he comes to give his evidence, says a week. On the other hand there is the evidence of Mr. Jellicoe, and there is the evidence of Mr. Hawes; Mr. Jellicoe says it was two weeks; but he had a number of boys whilst the municipal election was going on, and he would not undertake to say but that the boys employed in respect of the municipal election were sometimes sent with notices relating to the Parliamentary election. But he says that the employment of the small boys, which was so much relied upon, ceased upon the Saturday before the municipal election, which took place upon the 2nd of November, and that afterwards the boys who were employed were older, and there was only the number of boys sufficient for the real work of the Parliamentary election; and not any general employment of small boys. There is also to be added the fact that Mr. Hawes stated, and Mr. Jellicoe stated, that there was no charge in respect of any of the small boys in the accounts of the Parliamentary election; and though I should not pay much attention to that circumstance by itself, making no remark upon this account, which I have not investigated, for such accounts generally are very loose, yet that is a circumstance to confirm the evidence of Mr. Hawes and Mr. Jellicoe. Taking the whole evidence together it falls far short of the conclusion that there was any attempt made, such as was at first suggested, in respect of the Parliamentary election, to obtain votes by pretending to employ the children of voters, or by employing them at wages so largely disproportionate to the work which they did, that the employment and payment amounted to a mere colour and cloak of bribery.

Here, again, I must mention, in order that nobody may go off in a mistaken notion upon the subject, that if the scrutiny had been gone into, and no further evidence had been given in answer, the votes, for instance, of Harrison and Pope would have been struck off upon the scrutiny, upon the ground that he stated that he offered himself or his vote for sale to Pope, and, according to him, Pope did procure employment for the boy in order to make certain of Harrison’s vote at the Parliamentary as well as the municipal election; and whether the employment was at the Parliamentary election or at the municipal election, or any other, if it were stipulated for as the price of a vote, there would be a bribe, and the persons who entered into such a contract would each of them be guilty of bribery within the statute. Then if it be said, “Why do not you void the election if you would strike the votes off on the scrutiny?” I answer, at the risk of repetition, “Because Pope was not an agent of the sitting Members, and because there was no general corruption.”

That disposes of the case so far as the Petition is concerned.

With respect to the recriminatory charge, I do not know whether anything is to be said about that.

Mr. Hawkins.] No, my Lord.

Mr. Justice Willes.] With respect to the recriminatory charge, I am bound to dispose of it for myself. The recriminatory charge against Mr. Moffatt (there is none against Captain Maxse) consists of, first treating; and next bribery; and the treating consists of giving two gallons of beer to some dock labourers; I think a witness said a fortnight before the election, but it was rather later. I think it was on the 11th of November.

Mr. Serjeant Ballantine.] It was proved by the date on the card to be the 11th of November.

Mr. Justice Willes.] It was two or more gallons of beer, according to the first witness upon the point. No doubt, as Mr. Moffatt observed, that is a very objectionable proceeding, and one which, if repeated, would have made out a case of treating in respect of which it would have been necessary to report corrupt practices against him personally, because although he did not give the card in the first instance, he did not stop the proceeding, though he knew of it whilst it was in progress. But I think, in dealing with a case of treating, with an isolated instance of giving meat and drink (standing alone to the great credit of this town in the history of the election), one ought to have more evidence of a corrupt motive than the circumstances at all supply. It was given after an inquiry whether there were any voters, and an assurance that there were not. I think, upon the whole, it would be going beyond what fact would warrant, to say there was any corrupt intention to obtain votes by means of the two gallons of beer; it was an act done in yielding to an unwise impulse, but I cannot say it was corrupt.

With respect to the other circumstances in the case, I am rather glad to be relieved from deciding upon them with reference to the recriminatory case; I speak of the transactions with Dr. Bencraft and Mr. Pearce; those I think are not in the particulars.

Mr. Serjeant Ballantine.] No, they are not.

Southampton.

Mr. *Hawkins*.] I believe Pearce's name is in the particulars, Bencraft's is not.

Mr. Serjeant *Ballantine*.] Not in relation to that matter at all.

Mr. Justice *Willes*.] Was either of these transactions brought to the attention of Mr. Moffatt by the particulars?

Mr. *Hawkins*.] No, not the transaction itself.

Mr. Justice *Willes*.] I am inclined to think not; because in the opening speech of Mr. Hawkins, in which he stated particularly the other matters, he made no reference to those, and they came upon my mind by surprise in the course of the cross-examination.

Mr. Serjeant *Ballantine*.] Your Lordship will understand that if I had not taken the course I have, I should have called other witnesses.

Mr. Justice *Willes*.] I should not take a course adverse to your client, without giving you full notice to answer. I have been thinking what is the duty of the judge sitting here; whether he sits here to judge according to what is alleged, and what is proved, by the parties who bring the case before him, or whether he sits here as a sort of inquisitor after the case is over, so far as the parties are concerned, to enter into either a general inquiry with respect to the borough, or a special and particular inquiry with respect to individuals. My impression, as I have already elsewhere stated, is, that the case of individuals, except so far as it may be necessary to consider such a case for the purpose of determining whether the election be void or valid, stands upon the same footing, so far as the duty of the judge sitting here is concerned, as a general inquiry into the state of the borough; and inasmuch as the latter certainly does not fall within the province of the judge, so neither does the former, except in so far as the question is raised by the proceedings in the cause, or necessary to be decided for the purpose of disposing of the prayer of the Petition.

With respect to the loan to Dr. Bencraft, that may or may not fall within the 2nd section of the statute, according as it was a loan for the purpose of obtaining that gentleman's vote or not. I think he was stated to be a strong party man, who had made up his mind before, and had shown that it was made up by his vote at former elections. I think that loan, although it is a transaction which of course it would have been necessary to inquire into if it had continued to affect the issue of the Petition, cannot be treated with reference to this proceeding certainly as a bribe. No notice appears to have been given to answer the charge, and there is no such proof of any corrupt intention, as it would be proper to act upon. With respect to the sums of 10*l.* paid to Dr. Bencraft and Mr. Pearce respectively, after the election, for the purpose of remunerating them for the expense incurred in employing assistants to attend to their business while they were away, I am quite clear that the payment of 10*l.* brings those cases within the 11th section of the "Representation of the People Act, 1867," and that those votes must have been struck off if the scrutiny had proceeded; but there again it is necessary to prove some corrupt intention to reward beyond the value of work done, or the like, in order to bring the case within the statute against bribery.

I conclude by saying that, as a scrutiny is not to take place, I consider these cases to be beyond the scope of my jurisdiction; and I also desire to say that, in any case, no sufficient notice having been given to Mr. Moffatt to answer and explain with respect to those cases, I feel that it would be wrong to make any prejudicial order upon the footing of their having come out in his cross-examination; I wish they had been earlier mentioned, because it occasioned me a great deal of anxiety how to deal with them, coming out in the sudden way they did.

I believe this disposes of the matter. I must determine, therefore, that Russell Gurney, one of the Members whose return is complained of by the Petition, was duly elected and returned, and that Peter Merrick Hoare, the other Member whose return is complained of by the Petition, was duly elected and returned; that it was not proved that any corrupt practice was committed with the knowledge and consent of any candidate at the election; that upon the evidence corrupt practices did not extensively prevail, nor is there any reason to believe that corrupt practices extensively prevailed in the borough. I must reserve to myself to consider whether it is right that I should add to the report the names of any of the witnesses under the clause in the "Parliamentary Elections Act of 1868," because there were some of them who, if their evidence is to be read literally, and if no explanation had been given upon the part of the Respondents during the scrutiny, would come within the 11th section; but I wish to be cautious in naming anybody, having regard to the fact that the scrutiny has been abandoned, and to the possible consequences of the evidence in that respect being incomplete. I do not think it necessary to state at present the terms in which the additional clause in my report to the Speaker will run, in case I should think it necessary to add anything.

That is the whole matter. Of course there is nothing to take this case out of the general rule as to costs.

STAFFORD BOROUGH ELECTION.

JUDGMENT delivered by Mr. Justice *Blackburn*, 13 May 1869.Stafford Borough.

Mr. Justice *Blackburn*.] I HAVE of course had an opportunity during the long time this inquiry has proceeded of considering the evidence as it has been given; and upon many parts of the evidence I have found very great difficulty indeed in making up my mind, and I have very great difficulty still. But yet I do not feel it necessary now to take time to consider my judgment, after the remarks which have been made by counsel on each side; but I am able at once to give my opinion.

It is very true that in all these election inquiries, and I may say in all inquiries of every sort, there always is a great deal of evidence which has to be considered with great care and attention. One part of the evidence, as has been truly observed by Brother Ballantine, is of this description: a good many witnesses in election times come to give their accounts of things that occupied but a short time in happening, when they were in a state of excitement at the time, and they imperfectly remember what occurred. A thing is imperfectly noticed at the time, and imperfectly remembered, but by thinking and brooding over it, they come and give evidence positively as to what they really believe to have been the real state of the facts at the time. It is somewhat similar to what uniformly occurs in cases of accidents. On each side there is a great deal that you must strike out. This kind of experience has happened to every man who is present. We will suppose a man sees two carriages come into collision, but from the nature of the thing, it being an instantaneous matter, he is somewhat excited at the time, and he imperfectly notices and imperfectly remembers the facts, and by brooding over what he has imperfectly noticed and imperfectly remembers, he thinks he saw everything, and comes and relates a story quite inconsistent with the story given by another equally honest man looking on. It becomes a matter of considerable nicety, with such kind of evidence, to determine how much you will rely upon as accurate, and you must look very much to the probabilities of what took place at the time.

There is another class of evidence occurring upon these election inquiries, and which in the particular case now before me has occurred very largely indeed. I mean witnesses coming forward whom in a court of criminal justice one would call self-discrediting witnesses, spies, informers, and people guilty of crime, according to their own story, and who are now seeking for the reward that is to be got by telling the truth the other way. In a court of criminal law no verdict of guilty would be permitted upon the evidence of such witnesses without confirmation. That has long ago been established. In a civil action, though they are looked upon with distrust, yet there is no absolute necessity that there should be confirmation. In such a matter as this, we must look upon them with considerable distrust, but still treat it as information which may be true, though the man who gives it is not worth much credit himself. It calls upon the other side to give evidence in order to explain how it was. In that way these witnesses are very valuable, but as a general rule they should not be made the staple of a case, or be too much relied upon, for they are certainly to be looked upon with a good deal of distrust, except when some trustworthy witness comes in to confirm their evidence.

Anyone who has listened to this inquiry will see that from the large number of witnesses who come fairly within the last category, it becomes very difficult to form one's opinion as to the real fact. But upon some parts of the case I think the facts are clear, and not disputed at all upon the evidence, as it turned out. All that I have to inquire into now is the present election; but as far as what occurred formerly is relevant to the present election, I must, I believe, inquire into it. It appears that there has been formerly very great corruption in Stafford, and that the last election in 1865 was no exception to that at all. It appears from the evidence given by Mr. Fernie to-day that he returned Colonel Meller's election expenses for 1865 at 1,300 *l.* odd, whilst Mr. Fernie was aware that there was nearly 5,000 *l.* spent. I do not know whether that fact would have been told us if Colonel Meller had not been called first, and told us the truth, as we might expect he would do. Nearly 5,000 *l.* was spent; and Mr. Fernie admits that there was a considerable portion of it spent for illegal expenses. Whether any of it was actually paid to anybody in the town in the way of corruption by paying 5 *l.* or 10 *l.* for a vote, or whether it was all spent by pretending to pay men for services which they never performed as committee-men, I do not inquire; but that there was that large expenditure upon that side is clear.

And it is equally clear, from Mr. Brough's evidence, who was then the agent for Mr. Bass, the returned Member, that there was a large expenditure upon their side. Mr. Bass is not before us as a witness. It does not appear that his expenditure was so large as Colonel Meller's was; but Mr. Brough admits that Mr. Bass at that time spent 1,900 *l.* in paying voters, under the pretence that it was for services as committee-men, but really to get their votes. I do not mean to say that Mr. Bass paid them, or that he knew more precisely than Colonel Meller knows now what became of that money; but that there was a considerable corrupt expenditure by Mr. Bass at that time, so that the borough stood in

Stafford Borough.

that position, that at the last election in 1865 there was extensive corrupt expenditure on both sides.

Mr. Pochin was a candidate, and an unsuccessful one. He says that he became aware then that there was considerable corrupt expenditure which he did not approve of, and he took steps upon the present occasion to check it. I must observe, in passing, in Mr. Pochin's favour, that I believe firmly that he did so wish, and did so try, and did effectually do it, by the steps which he took in taking the control of the expenditure out of the old corrupt agent's hands, who had been tainted with corruption, and bringing one of his own agents down. I think he did succeed in preventing there being any what I may call regular corrupt expenditure, or anything of that sort, upon his side; and my belief is that it is owing to Mr. Pochin having taken that very business-like step, and shifting the payment and the financial department upon his part from those connected with the old corrupt organisation to an independent man whom he chose himself, knowing him to be honest, that I am not now called upon to report to the House of Commons that there has been in my opinion extensive corruption prevailing at the present election. I think it is solely owing to the good and honest measures of Mr. Pochin that that has been prevented. If he had trusted the matter to the local agents, and the local agents had proceeded to organise a system such as has been organised on the other side, I feel very little doubt that when the machinery was ready on both sides it would have been used upon both sides; each would have thought that the other would do it; and each would have thought that the other dare not tell; and I have very little doubt that but for Mr. Pochin's measures there would have been that corrupt expenditure upon both sides; and that I should have had to report that Stafford was a place at which at this election there had been extensive corrupt practices. As it is, I do not think I shall report that.

There is one thing further I wish to observe upon with regard to former elections. It appears that during the period since 1865 (I have not inquired whether it was before that), each sitting Member has been in the habit of distributing in the borough at Christmas what are called "Charities" and "Christmas Gifts." Colonel Meller's account is that he has habitually at Christmas sent down a cheque for 250 £. It is to be observed, that he sent down that sum to his agent, Mr. Fernie, without any directions at all, and without looking after how he spent it, and without any inquiry as to what was done with it. Colonel Meller tells us that it was done under the impression that it was to be distributed in charity, equally amongst friends and foes. I dare say Colonel Meller was good enough to think so at the time. I do not think after what he has heard now he will entertain that opinion any longer. That was the course taken then. Then it appears that Mr. Bass, the sitting Member, did not, according to Mr. Brough's account, send down a particular sum; but Mr. Brough spent what sum he pleased in charity, without any directions from Mr. Bass, and without any inquiry from Mr. Bass as to what were the amounts; and Mr. Brough had the amounts disbursed in charity repaid to him. It appears that he spent habitually 300 £ a year at Christmas in charities; and at Christmas 1867, when it was well known that there would be soon an election coming on, the sum which was distributed swelled up to 720 £.

Now, I do not for a moment mean to say that there may not be very many munificent charities distributed to that amount, and more, by many people; but when I find that charities are distributed in a borough by those who are expecting to contest it as candidates, and are distributed without check by the election agent of the borough, I am not charitable enough to draw any other conclusion than that they do it with the intention of giving the voters money, in the hope and expectation that it will influence the future election. And there is the further very great danger attending it, that the knowledge that they have been doing so will cause men at the future elections to give their votes in the expectation and hope that they will hereafter receive payment. When that is brought home to any person, I think it would undoubtedly mean corruption. In the present case, I have hesitated and paused about it in this way. With regard to corrupt practices, whether they be bribery, or whether they be intimidation, I take it that there is this important distinction to be made. By the Statutes, and by the usages of Parliament before them, where any candidate is by his agent, or by himself, guilty of any corrupt practice, the seat must be vacated, and the Member is incapable of sitting again during that Parliament; but it is required that it should be shown to be brought home to the agent. Any corrupt practice, whether bribery, intimidation, or treating, brought home to the agent, will vacate the election. But there is another principle which I apprehend, though it has been very little acted upon, still exists in Parliamentary law, and is in itself good sense, and I think will probably be acted upon whenever it is required, that is, that although it does not appear to have been done by any agent, yet if there has been general corruption, something that makes the election no longer a fair and free one, either general corruption preventing the election representing what it ought to represent, namely, the feelings of the constituents, or general intimidation, so that you may say it is evident that the election was not a free one: in that case, although it is not brought home to the agent, the election would not be good by the common law of Parliament. It must be very difficult in such a case to prove, and very difficult to be able to say whether or not a case is of sufficient magnitude to amount to that. I have hesitated and paused before coming to a decision on the question of the Christmas gifts after the last election; it is not brought home to any particular voter, any man who at the election has voted for Colonel Meller upon the ground of his having received a payment after the election, so as to bring it distinctly under the Corrupt Practices Act. As Mr. Bass is not himself a candidate, I cannot inquire further into that; and though there

there was a point which passed through my mind as to whether any previous corruption upon the part of Mr. Brough might not affect any person who adopted him as his agent, I think that could hardly be sustained, unless it was made out more specifically that there were particular votes influenced by it. I do not see that I can treat the giving of Christmas gifts as a matter to avoid the election at present. The other view I took was, Could there be such extensive corruption as would avoid the election? I am not quite sure whether that is a matter that has ever been acted upon; and though it passed through my mind, and I thought about it, I think I could not go to that extent.

I therefore think I must proceed to consider what it was that happened at this election, and then to see what has been proved. I may remark, since I am now talking about what will generally avoid an election, that the same thing applies to intimidation. There is no doubt at all, and common sense would have no doubt about it as being the only true view of the terms of the Act of Parliament. Amongst other corrupt practices mentioned is this: "Every person who shall directly or indirectly, by himself, or by any other person on his behalf make use of, or threaten to make use of any force, violence, or restraint, or inflict or threaten the infliction by himself, or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practice intimidation upon or against any person in order to induce or compel such person to vote, or refrain from voting, or on account of such person having voted, or refrained from voting at any election, shall be deemed to have committed the offence of undue influence."

I think the reading of those words requires no explanation. It is obvious that when a mob has possession of a town, and beats those who come to the polling booth, or otherwise intimidates them, that is plainly exercising intimidation, and is undue influence, and in my opinion it is the very worst kind of undue influence. It is very bad for a master to threaten and dismiss his men; it is very bad in a landlord to eject his tenant. All these are very bad, improper acts, but they are justifiable acts if it were not for the effect they would produce upon the freedom of election, because they have a right to do so if it were not done to interfere with the freedom of election. But to riot, and to beat people, and disturb the peace of the town is worse. It is a crime in itself, and is committed for the purpose of producing an undue effect upon the election. This is a thing that is very likely to happen without the Members or the agents being guilty of it. Where this happens to such an extent as not to let the election be free, though not traced to the agent, it will make the election void; but whether it has happened to such an extent as to make the election not free, is a question requiring very great consideration; the judge must exercise his own common sense, and say whether he thinks it is so great an intimidation as would prevent its being a free election; and that, as in every other thing in which discretion is to be exercised, one cannot always feel sure that one is right, and it is tolerably certain that wherever a man decides upon his discretion, there will be plenty of people who will say that he is wrong. In my own experience, it seldom happens when I have to decide a matter by discretion, that I do not myself feel very serious doubts, whichever way I decide, whether I am right or not. I frequently hesitate, and come to the best conclusion I can, and act upon it, and I feel great doubts frequently in such matters whether I am right or not. In the present case I come to the conclusion that I do not think the evidence given of rioting and intimidation was sufficient to avoid the election upon that ground. I quite assent to the distinction which Mr. Giffard pointed out, not in his address to-day. While I say that I think it was not sufficient to avoid the election, I assent to the observation he made, that in considering whether an election was free or not, it would be necessary to see what is the positive majority; and if we had entered into a scrutiny here, and it had happened that Mr. Chawner had succeeded in establishing that he had a majority of one or two votes, or a very small majority of that sort, over Colonel Meller, then no doubt the intimidation which would not have been enough to upset the election of Mr. Pochin, who was returned with a majority of 80, might well have affected the election; whether it would be enough for that, would be a question to be considered afterwards. If it were so proved that in the majority of good votes received, Mr. Chawner was in a majority, but a very small one, that would be a question that would arise hereafter. But then it is equally clear that whenever intimidation is brought home to the agent it would upset the election, however slight the intimidation might be, provided it be intimidation.

Now, having said this much generally upon both of these points, I will consider each of the cases separately, and I think it will be no doubt more convenient to take first the case which has just been finished, the first petition in order of date, that against Colonel Meller. It was begun first, but there were some difficulties about the particulars, and the trial was postponed till the other was completed; I have already pointed out that I think Colonel Meller came down here, having employed Mr. Fernie, who was his former agent in the matter, when there had been, as I have already said, at the election in 1865, evidently a general system of corruption. I give Colonel Meller credit for not understanding what his money was spent in; I do not think he understood it then, and I do not believe he understands now what his money was spent in. He trusted it all to Mr. Fernie, and Mr. Fernie managed it himself.

The first thing we find is this, that Mr. Fernie takes public-houses; I think 31, if I am not mistaken; and he hired those for the purpose of holding committee-rooms. He secures also the services of, I think, 30 or 31 paid agents, who are hired for the sum of 15*l.* each. The rooms at the public-houses are taken from the 1st of September till the end of the year; I suppose it may be said that that extended time was fixed upon because, as it was not perfectly known when the election would be, they thought it was necessary

Stafford Borough.

to extend it to December; but they paid for the committee-rooms sums very handsome indeed for such rooms in such public-houses as I take them to be; 10 £. for the use of a room in a house let at 15 £. a year is certainly a very handsome payment, and the landlord had no ground to complain. It was opened by Mr. Stephen, that the effect of that must be that the 10 £. paid for the room in the house was much beyond what it was worth; and that the 15 £. was paid to the canvassing agents. And it certainly was difficult to see what they did for the 15 £. One of them, Mr. Snape, frankly said he was hired to do what he was wanted; and as it turned out that they did not want him to do anything, that he did nothing and was paid for doing nothing. That was a fair representation of a good many of them; but they did not all speak so plainly. Mr. Stephen's notion of this as proving treating, is that it must have been a sham; and in fact, that notwithstanding the provision in the agreement that you shall not bestow any portion of the 10 £. in refreshment, it must have been meant to have been bestowed in refreshment; and that the 15 £. paid to those paid canvassers and chairmen must have been intended to be spent in the payment for refreshments; and in short that these committee-rooms were but places arranged and contrived for bringing the voters together that they might be corrupted by giving them meat and drink for the purpose of influencing their votes at the election; which would be treating. And there is no doubt whatever that it would be treating if it were made out; if they were brought there and meat and drink were given to them for the purpose of the election it would be treating. Mr. Giffard's argument upon it is that though it was true that everyone did not absolutely pay his score (which was the case upon the other side) they did all pay for themselves, and nothing was furnished from the sitting Member at all; that the sums of 10 £., which were given to the different innkeepers, were kept by the innkeepers for themselves, that they were *bonâ fide* not asked to spend any money out of it in giving away refreshment; and one can believe that they would not be particularly anxious to spend any portion of the 10 £. in giving away refreshment. There is a great deal of evidence given (and I cannot find any evidence to the contrary) to show that there was no score kept and no money payment made for the purpose; and I am to be led to believe that, though the men did meet there, no money was really paid by them for their drink. My own impression, looking at the way in which these things were done, is a good deal in that way; but it is in a way not favourable to Colonel Meller's side or Mr. Fernie who managed it; I cannot help feeling that where there are committees of the sort, formed in this way, where a paid agent is put at the head of the committee, to get the men together in that way, and where at a meeting he has always a body of committee-men round him, and a chairman of the committee at the head, it seems to be exactly the sort of machinery and organization which anyone would devise who intended to have the ready means of corruption at hand if at any time it should be thought desirable that there should be corruption practised. It may easily be imagined that the scheme of a man in conducting electioneering matters may be of this kind. We are not going to bribe yet, but I will so arrange matters and have such an organization, that if at any moment it becomes desirable to do it it may be done; I will arrange an organization by which I may do it at a moment's notice. Such an organization as this would consist of getting paid agents, to whom you could give the word at the time, and who could be trusted for that purpose, and putting each of them in communication with the more corrupt and corruptible voters, and being in readiness (as the phrase has been used more than once here) "to give the tip" that so much would be paid to them. I acknowledge I think that was the intention of that organization as it seems to me; and accordingly a great part of the evidence which has been given by the people themselves tends to point to the fact that that was what was expected. It is very true that many of those who came and gave evidence were voters who having been upon the committees no doubt professed that they would vote for Colonel Meller; with probably an understanding expressed or implied to this effect: if Colonel Meller's agents will tell us we are to be the better for it hereafter we will vote for him; and there is no doubt that many of these did vote for Pochin and Chawner afterwards; but when one looks at the evidence they gave, the whole effect of it seems to show that they assembled together in just such bodies as I have mentioned.

In the "Unicorn" case the witnesses may have meant to say simply that they had entered into that committee in order that they might be in the way to get any bribe which would afterwards be offered. Whether they went there with the pre-determination, being really adverse to Colonel Meller and friendly to Pochin and Chawner, to take any bribe which was offered and then to tell about it, or whether they went there with the determination of doing the double treachery, of getting any bribe they could get and earning what they could afterwards, I cannot say. But this appears plain that at the "Unicorn" a witness called to-day says they did demand to be paid; that it was to be "No tip, no vote"; and that Machin, the chairman at the "Unicorn," one of the paid agents, was endeavouring to get them the promise of this tip, as it was called, which a witness who was called to-day says he positively refused to give for two very good reasons; one that he did not wish to go to gaol himself, and the other, that he had no authority to do it. That leads me to the conclusion that there was such matter of fact at the "Unicorn" at least; I must observe this, that if the evidence was to the effect that Machin, though he was then a paid agent of Colonel Meller, was at that time planning to betray Colonel Meller, that it was what is called a plant, then I do not think that Machin could any longer be considered an agent for Colonel Meller, so that his acts would vacate the election. I wish to point out the distinction which I make, that according as the law stands at present, if a Member employs an agent and that agent contrary to his wish, and contrary to his directions, commits a corrupt act, the sitting Member is responsible for it; but

but where he employs an agent, and the agent treacherously or traitorously agrees with the other side, then if he does a corrupt act it would not vacate the seat unless it is proved that the corrupt act was at the especial request of the Member himself or some untainted and authorised agent of the Member who directed the act to be done. The distinction is pretty obvious, and I mention it to avoid any difficulty or doubt that there might be hereafter, from its being supposed that I have said anything more than I do say; I say if Machin was a treacherous agent he loses the power of upsetting the seat by reason of his unauthorised acts of corruption; it would require actual proof of authority in order to make it so. It is a very different affair if a man being an agent has been tricked by the other party into committing a corrupt act, he himself honestly still intending to act as an agent. As to the particular case of the "Unicorn" it seems to me that what took place there shows that they were quite prepared to do what I have already stated that I believe the organization was intended to do. They were quite prepared, upon receiving notice that a particular sum would be given then or hereafter, to act upon it and give their votes corruptly; but I think it is very doubtful whether Machin was not in treacherous collusion with the other side, and it seems pretty plain from the fact of what took place that the notice or tip was not given, and that the men who were at the "Unicorn" did go and vote for Pochin and Chawner just because they were not satisfied that anything was going to be given; I feel no doubt, therefore, that as far as that part of the case was concerned, they were not satisfied that anything was going to be given to them, and that the notice that there would be payment made was not made to that party, at any rate.

Then we come to another case upon which we have had evidence to-day; that is the committee at the "Fountain," at which Arrowsmith presided. There we find exactly the same thing; Arrowsmith is one of the paid agents; and my impression, is upon the whole, that these people were all there ready to corrupt, but that it was not intended that they should corrupt; that they had no instructions to corrupt, and that Arrowsmith volunteered and went beyond his directions; but it would equally upset the election as if he had done it with instructions. I have tried in vain to imagine to myself any reason why Arrowsmith should write the names of these men, and why they should be anxious to have their names written upon the cards as a kind of voucher, not only that they had voted, but that they had been members of Arrowsmith's club at the "Fountain," when they did vote, except what the witnesses (very bad witnesses, I grant you, and requiring a good deal of confirmation) said, namely, that it was done in order that they might be the better for it hereafter, when, if there was anything going upon the part of Colonel Meller, they were to be paid it; and that Arrowsmith wrote the names as part of his promise that it should be so. I can therefore come to no other conclusion than that it was an act of corruption quite sufficient to upset the election on the part of Colonel Meller, and I must act upon it. My impression is, of course, that though there was every preparation for corruption, it did not come to any actual corruption, notice being given. Therefore, according to the evidence, upon the whole, the result is that upon this part of the case, as far as it goes, I do not think I can say that there is reasonable ground for believing that corrupt practices extensively prevailed at the last election. It is the last election only that I speak of; if the Act of Parliament had extended to the two previous elections, I should not have had the slightest hesitation in giving my opinion upon them.

Now that is enough to say that Colonel Meller's seat cannot be maintained; but it is necessary to remark upon some other parts of the case in which evidence has been given as to specific bribery that is said to have taken place. The cases as to which there has been distinct evidence given bearing upon them, are those of the seven men, who were at the "Shoulder of Mutton"; Cotterell, who was called to show some intimidation, and Kent, who was alleged to have had money given to him. The supposition is that these seven men got money actually paid to them. There are also two other cases which Mr. Stephen relied upon, one of which I may dispose of at once, namely, Mr. Tyrer's statement about sending the children to school. I cannot for a moment suppose that that was intended for a bribe or an offer. The other case is where Mr. Linter is said to have offered money to a man named Bird; I think that there I cannot act upon the notion that Mr. Linter's statement is not true. One side said that Mr. Linter came and offered the man money, and that, for some unintelligible reason or other, he would not take it, though he wanted his rent paid. Mr. Linter said he refused to promise him anything, and left him. I cannot act upon the promise there as being a matter that is made out.

Then I must come to the other cases. The man, Cotterell, was called, and he told a very improbable story of some intimidation, which I pass by as having no bearing whatever against Mr. Pochin. He positively denied all that was said against him; he denied that he had taken money at all; he denied everything. A man of the name of Gerrard was called, who avowedly says that he was engaged in every species of corruption upon the present occasion, and who has come over to the other side, because, as he says, Mr. Fernie, against whom, for some reason or other, he expresses great personal indignation, has paid none but his "disciples," as he calls them, and has refused to pay him. I must say, that a man coming forward to give his evidence under such circumstances is not a man to whose evidence much weight could be attached if his evidence was contradicted. He says Cotterell said he would plump for Meller if he would give him 5 s.; and that then he observed it was very cheap, and he would get him a sovereign. And, according to his story, he took him to the "Vine," and introduced him to three or four gentlemen, Mr. Lea, and several others, with the very candid statement, "Here is a plumper I have brought you for a sovereign." Whereupon without any inquiry Mr. Bridgwood, the

Stafford Borough.

butcher, took him away. As far as that goes we have the evidence of others that that did not take place; and I must say that it is so improbable a story, that I do not think I can trust Mr. Gerrard's evidence upon it.

As to Kent, Gerrard says that Kent offered to give his vote for a consideration. He does not say that he gave him any money himself, but he produced his daughter, Isabella Gerrard, who swore that she saw Bridgwood, the butcher, give it. With regard to the daughter's evidence, I thought Mr. Giffard was quite right when he confined his cross-examination to asking when she first mentioned her statement to her father, and she said "Last Sunday"; and then to make her repeat twice over what it was she said, in which she repeated the unvarying words exactly as if she had learnt them by heart from her father. I do not say that it is conclusive that the father made the daughter commit perjury, but it is enough to make me not act upon the evidence at all.

Now comes the other case, that is the case of the seven men. I must say that that case did look extremely suspicious; seven men were sitting together in the "Shoulder of Mutton," having declared, according to the evidence, that they intended all to vote together. There they stayed, not having voted till past three o'clock, when, as it turns out, the actual majority, including these seven, was 17; and when their voting was nearly enough to turn the poll, and when it must have been supposed to have been so, and then they come to vote in a body. I do not wonder that anybody that sees that done should at once have a strong suspicion that these men were guilty of being bribed. I confess to having had a strong suspicion of it myself; but what is there to prove that there was anybody bribing? Mr. Salt did go down and ask them to come up. Mr. Salt positively says that he did not know of any bribery, and Mr. Bridgwood, the butcher, went down and saw them, and induced them to come up and vote. I am not surprised that it was said that he must have given or promised them something; but he swears that he did not do so. Again, there is the man, Thomas Gerrard, who says that he heard Humphreys say, when he was coming out, that he was satisfied; but, except that, there was no proof that money was given. It is exceedingly suspicious, but the case is not proved; and I should not be warranted in saying that that particular case of bribery is made out. There is quite enough, without making up one's mind upon it, to say that the election of Colonel Meller cannot stand.

Now, as to the other part of the case, it is twofold. Whether Mr. Chawner is disqualified from entering into the question of scrutiny against Colonel Meller; and, whether upon the other petition Mr. Pochin can retain his seat, considering the circumstances under which it was obtained.

Now, as Mr. Pochin and Mr. Chawner stood together, coalesced, employed joint agents, and had everything joint throughout, the two cases must stand or fall together. If one is to go, the other must go; if one can stand, the other must stand.

Now I have to see what the case is that is made out; and, first, let us consider what was done. Mr. Pochin, who had stood the last time, tells us that he knew that there was illegal expenditure at the last election in 1865. He was then a candidate, though not a successful one; he knew there was illegal expenditure, and he resolved that there should not be, as far as he was concerned, any this time; and he tells us that he took what I have already said was a sensible, business-like precaution; he removed the financial department of his business here from the local agents, and the old agents, and any persons who might be considered corrupt agents; and he purposely brought down a man to look after it, Mr. Readwin, who he had good reason to believe was a man who would look after it and see that there was nothing illegal done. I think that that was a very business-like, sensible precaution. Of course, like everything else, it might be a sham, and pretend to be so when it was not; but my impression, from the way the election was conducted, and the way in which Mr. Readwin gave his evidence, is that this was *bonâ fide*, and that Mr. Readwin was brought down for that purpose; and that in consequence of Mr. Readwin being brought down for that purpose, and the management being taken into his hands, there was no such organization as upon the other side. There was at different public-houses notice given on particular nights, that Mr. Pochin and Mr. Chawner's friends would meet together, and call themselves a committee, and that Mr. Pochin and Mr. Chawner would come and canvass them and speak to them; but there was no committee formed in the sense in which it had been formed on the other side. There were no rooms taken in houses, with the exception of the house where there was the general committee; there were no rooms taken in the houses, and no meetings of people from time to time at those different houses, and there was none of that organisation which would enable corruption to be extemporised in a moment, if required. It seems to me as if it were genuinely intended upon Mr. Pochin's part that this should be done; and upon Mr. Chawner joining afterwards with Mr. Pochin, he had the full benefit of all Mr. Pochin's merits in that respect; I think the result was that it prevented there being any general corruption upon that side. Still there remains what Mr. Giffard truly pointed out, that though Mr. Readwin was instructed to keep the expenditure in order, and I really think meant to do so, yet ultimately he did not do it completely. Mr. Pochin would probably have seen to it if he had thought of it; and he ought to have taken care that the messengers and others should be paid as systematically and in as business-like a way as wages would be paid in an ordinary establishment. The names of the men who were engaged should have been written down when they were engaged, and they should have been paid their wages as regularly and uniformly as they would be at a manufacturing establishment where men were doing their work. That was not done, and on hurrying afterwards

afterwards to close the payments, Mr. Readwin did pay to a very considerable number of persons sums of money (which Mr. Giffard has dwelt upon very truly) without sufficient investigation and check to show that they were really men who had done work. When a man came in and demanded payment the only inquiry that seems to have been made was whether he was a voter or not. Mr. Readwin seems to have trusted to a few strangers to tell whether he was a voter or not; and the consequence was, no doubt, that several persons did get money paid to them which, if Mr. Readwin, being Mr. Pochin and Mr. Chawner's agent, had intended, should have been made to them, would have been corrupt payments, and would have invalidated the election. Mr. Readwin produced his little memorandum book in which he wrote all these payments down at the time; I have looked at the book, and my impression is that it is a genuine book; of course anybody may commit a very clever forgery or get up a document that should look genuine afterwards; but the look of this makes me think it is a genuine book in which he wrote them down; I find when he paid anyone he seems to have taken down the name. For instance, coming to messengers, he writes down "Clark, George, 7s.; then "Abberley." A good way down there does no doubt appear what Mr. Giffard mentioned, "Cook, Z," put down as one of those names. It is curious enough, that in the list returned by Mr. Readwin, he returns it Cook, Z, in the voucher, Mr. Readwin returns it as Cook, T, not "Cook, Z." There was some discussion as to whether the man meant was "Zachariah" or "Thomas"; it is of very little consequence; if it was really Thomas Cook, a non-voter, who was paid the money, it would come to nothing; if it was Zachariah Cook, a voter, who got the money, Mr. Readwin himself paid a person who ought not to have been paid; it is certain that he paid Peak and two or three others who ought not to have got it. Then, am I to consider that it was purposely and intentionally paid by Mr. Readwin as Mr. Pochin's agent, for the purpose of paying men who ought not to have been paid? I have already said, looking at the book and thinking it genuine, and the way in which Mr. Readwin gave his evidence, I believe that Mr. Readwin was *bonâ fide* brought down to be a *bonâ fide* check upon the expenditure, and that Mr. Readwin *bonâ fide* acted in that capacity; and taking the whole matter I must give him the benefit of the doubt; I must believe that he did not mean it when he says he did not; I think I cannot treat this matter as being made out; I think it is not impossible that some of the other agents or persons connected with the election may have been pretty well aware that these men were getting their 7s. when they ought not, and sometimes even that it was intended that it should be for remuneration for having voted; but that is not proved.

Then we come to the other matter, the treating which was spoken of. There are a considerable number of public-houses, the "Swan" in particular, at which there was a very considerable quantity of drink and meat consumed, particularly on the nomination night; upon that it was argued that it was impossible that such a very large quantity of brandy and drink of one sort or another could be honestly and legitimately consumed; Mr. Readwin himself was quite unable to account for it; he was so much driven to despair about it that he said he really could not suppose that it was consumed; that there must have been some undue charging in the bill; but whether it was so or not, there was a great deal consumed; one view is that it was given to the voters; another view is, that it was not given to the voters for the purpose of treating them; but it is explained that this vigilance committee which came in from time to time to make their reports, had breakfast and drink, and in that way it is accounted for; now if it were made out that this was given to voters with a view to influence the election it would avoid the election on the ground of treating; if it was given to the people acting as the vigilance committee it bears upon another view of the matter, which I will mention presently. I think myself I can hardly upon this evidence conclude that there was any corrupt expenditure with a view of influencing the election; I think that is hardly made out; but then it appears that Mr. Follows, who was an agent of Mr. Pochin and Mr. Chawner, on the night of the nomination did proceed to organise what they were pleased to call a vigilance committee. As far as I could understand Mr. Follows' account of it, what was intended was that there should be seven men named who were to be a vigilance committee, and that he was to get some 30 or 40 people, non-electors, who were to go about the town, and in some way or other discover corrupt practices on the other side; in fact, however, as I understand it, something occurred which took the nomination of these people out of his hands, and it was by no means the people whom he named alone, but a very considerable number of others who went about that night. Now, I must mention, in bearing upon the question of intimidation, what follows: I cannot myself see how any large body could be legitimately or properly employed in a matter of that sort; I can understand that when you have reason to believe there are corrupt practices going on upon a particular side, that, in order to discover where they are going on, you may employ a single scout or spy to act as a detective to find it out; but the essence of his finding it out must be that he is to go quietly and without alarming them. I cannot imagine how you can legitimately employ a number of persons for any such purpose. It seems to me the only thing you could expect, if you sent a number of persons round, would be that they would commit violence and intimidation; and, accordingly, so it happened. No sooner did the men go to the different houses than you find that the windows were broken there by the mob, and that there was intimidation. Then during the night it appears that the same people kept going about, and they were allowed to come in to make their reports, and to drink. And certainly refreshing them with drink under those circumstances would very considerably increase the probability of violence the next day. The first thing that happened the next day was, as one witness who was

Stafford Borough.

Stafford Borough.

called the foreman to some stationer describes, that going early in the morning, at half-past seven, to his work, carrying some documents belonging to his trade, a number of men surrounded and seized hold of him, and insisted upon it that he was bribing, took his papers away from him, satisfied themselves that they were not bribery papers, gave them back to him and then dismissed him, telling him that if he dared vote for Colonel Meller they would break his neck; and he says this produced the effect of terrifying him and making him not come to vote afterwards. Whether he did or not would depend upon whether he was very anxious to come and vote for Colonel Meller, or whether he was a bold man or not; but this much is plain, that this is just the sort of thing you would expect a vigilance committee sent about in this way to do. I do not say that the mere employing of a vigilance committee of that sort would be conclusive evidence that intimidation was intended, but it would very likely be the means of producing it. When, very shortly after they were appointed, there was found to be violence used, all who employed such people were certainly bound to take care that they did nothing to encourage violence afterwards. Then during the course of the day there appears to have been a good deal of violence, and various people were struck and beaten.

Now we come to the question, Is there sufficient ground, besides what I pointed out in the employment of this vigilance committee, for saying that this intimidation, as to which I have already expressed my opinion that it was not sufficient to avoid the election upon the ground of general intimidation, was exercised by any of the agents of Mr. Pochin and Mr. Chawner? The matter upon which that turns are what Mr. Follows did, and what Mr. Brough did. As far as Mr. Follows is concerned, it appears plainly enough, that he having taken the notion into his head that there had been bribery to some of these seven men at the "Shoulder of Mutton," and which afforded strong ground for suspecting some one had bribed them, came to the conclusion immediately that he was therefore justified in rushing after Mr. Lea and Mr. Brookfield and preventing them continuing their canvass at all. Whether he did this deliberately, upon the notion that now had come the time when they were in a majority, and therefore to stop the poll would be a good thing, or whether it was only in his excitement at the time, he undoubtedly did take a course more calculated to increase any violence going on than otherwise. He knew what sort of violence was likely to happen. He had witnessed the day before when, in much less excitement, there had been an attack upon Mr. Vincent. Nothing could justify the attack of knocking him off his horse. He had witnessed that, and knew perfectly well what was likely to happen. Then we have a statement of the speech he is said to have made from the cannon, and the exhortation in terms not to allow Meller's people to vote. If that is an accurate report of the speech it undoubtedly was an exhortation to do that which was afterwards done by the mob, which is enough to prevent the seat being held when it is shown to be done by an agent. As to that, Mr. Follows hardly denies that he was in a state of excitement, and that he did use such language, or something like it. And I must place a good deal of weight upon what Mr. Giffard says, that in such a matter as that it is not very likely that a person would deliberately write down words the day following, and come here a long time afterwards and swear unless he really and truly believed that they were accurate. I therefore cannot but come to the conclusion that Mr. Follows did encourage violence with the view of intimidating persons from exercising their votes; and having come to that conclusion, that must prevent both Mr. Pochin and Mr. Chawner being eligible candidates for this borough.

I am very sorry indeed to have come to this conclusion in the case of Mr. Pochin, because, from what I have already said, I have come to the conclusion that he honestly endeavoured to make the election pure, and to purify the borough. I am very sorry indeed that I should be obliged to turn him out, for I think it is due to his conduct that I do not make such a report upon the present election as would cause a commission to sit to inquire into the state of the borough; and believing that, it is with regret that I am obliged to say that Mr. Pochin cannot stand. But it is one of the cases in which gentlemen must learn to take care, when they choose their agents, to choose agents who can be trusted to avoid not only bribery and corruption, but also violence and intimidation.

Under those circumstances I must certify that the election in both cases is void.

I have only further to add this about the costs. It seems to me that in this case in which each side has been successful, and each side has failed, I should not saddle either side with the costs of the other. I treat the two petitions as really and substantially the same thing; the petition against Mr. Pochin, whether or no Colonel Meller himself is substantially the petitioner I do not know, but one of the persons who were put forward as petitioners acknowledged, when he was called as a witness, that he bore a grudge against Mr. Pochin for having refused to pay him some demand upon the last election, and viewing it in that way, if he is an independent petitioner, I cannot think him a very meritorious one. And, in each case, I must say that each party must bear his own costs.

There is nothing further that I need say except this, that I do not think there is any evidence that would justify me in saying that Colonel Meller personally was a party to any corrupt practices, and I need hardly say, after what I have already stated, that I think Mr. Pochin was a party to nothing at all illegal personally.

YORK COUNTY, WEST RIDING (SOUTHERN DIVISION), ELECTION.

JUDGMENT delivered by Mr. Baron *Martin*, 15th April 1869.

Mr. Baron *Martin*.] I HAVE no doubt that the course pursued by counsel is the proper and right course; and, when the position in which this case stands is explained, it will be obvious to every one that the course which has been taken is right.

The law upon the subject is not as yet very well understood; but the effect of the two Acts of Parliament is this, that if a candidate, or a person for whom he is responsible, who is called his agent, does an act which is prohibited in the three sections of the Act of Parliament, however innocent the man may be, and although he has expressly forbidden the act to be done, and has directed the agent not to do it, yet by the construction that has been put upon these Acts of Parliament (and I believe the correct construction) it affects his seat. It destroys his status as a candidate from the moment the act is done, and every vote given for him is in a sense thrown away; and, however innocent he may be in his conduct himself, and not merely innocent, but however anxious and desirous he may be that no illegal act shall be committed, it is established that an act done by an agent will destroy his status as a candidate and prevent his election.

In this case the objection to Lord Milton's election was abandoned, and thereupon it became a question whether Mr. Beaumont or Mr. Stanhope was legally elected; the direct mode of testing that would have been to have ascertained for which of these gentlemen the greater number of legal votes was given, or, in other words, to have gone into a scrutiny. The majority was, I understand, six or eight, and in all probability on both sides there were votes which would not stand a legal investigation; and the result would depend upon whether it would turn out that the one or the other had the greater number of lawful votes. This would naturally have been the first question entered upon yesterday morning, when we commenced this inquiry. But that is not the course which the case took. By the 53rd section of the Act of Parliament under which I sit, it is enacted that upon a trial of a petition complaining of undue return and claiming the seat, which Mr. Stanhope has done, the respondent may prove that the election of that person was undue in the same manner as if he had presented a petition against him. We have been engaged these two days upon, not whether Mr. Beaumont or Mr. Stanhope be the legally elected Member, but whether or not something had not been done by an agent of Mr. Stanhope which incapacitated him from being Member. We have not been trying the substantial question at all, we have been trying this preliminary question. I will take that which is probably the strongest case that has been adduced in evidence; that is, whether the old man, Gledhill, was taken away by force, and prevented from voting, so as to bring the case within the fifth section of the Act of Parliament. There was a person engaged in it who was an agent for Mr. Stanhope, and for whom he was responsible, that is Joseph Sykes. If I had been of opinion that that act was done, it would have been a sad thing that a gentleman who had polled the legal majority, should lose the seat by reason of this act done by persons of whom he knew nothing, and which he no doubt would have condemned; supposing I had decided that, the only effect would have been that Mr. Stanhope would have been prevented from sitting for the southern division of the West Riding of Yorkshire during the present Parliament. It would have imposed personal incapacity upon him from being elected or sitting for this division. Supposing that I had come to that conclusion, or supposing that I had come to the other, we must have entered upon the scrutiny before the determination of the case. I do not know what time might have been occupied upon it, but the expense would have been very great; and I defy any man living to form a conclusion what the result would have been; it would be a mere toss up. That is the real position of this case. We have been hitherto trying a preliminary question whether or not there was a personal incapacity for Mr. Stanhope to sit in the present Parliament by reason of the act or acts of the persons upon whose conduct Mr. Maule has just commented; and, whether decided in favour of Mr. Stanhope or against him, would have made no difference with reference to the scrutiny; because the question in the scrutiny would be which of these gentlemen had the majority of legal votes; and, assuming Mr. Stanhope to have been personally incapacitated, that would not have affected the votes of the persons who gave their votes for him, they being ignorant of it. They would have been perfectly good votes, and the persons who were the supporters of Mr. Stanhope would have a right to have it determined whether or not Mr. Beaumont was sent to Parliament by a legal majority. I cannot conceive a more unsatisfactory inquiry. It would have been at a most enormous expense, and without any human being being able to form a conclusion as to the result.

I understand there is no personal feeling between these gentlemen. As far as they were concerned the election was conducted in the most honourable and straightforward manner; there was no unkindly feeling, and no taking undue advantage by one over the other; but they met each other as gentlemen should. Mr. Stanhope was desirous, in the event

York County,
West Riding
(Southern
Division).

York County,
West Riding
(Southern
Division).

of having a majority of votes, to have as high an honour as any man can enjoy of sitting for the Southern Division of the West Riding of Yorkshire. No person can stand in a more honourable position. No person can impute to him personally an illegal act.

Now, it seems to me that the parties have done what you would expect from their position, that in a case of such uncertainty they would not throw upon each other such an enormous expense. Besides, there would be this further expense, that possibly there would have been a special case for the opinion of the Court of Common Pleas. That would have been a still further expense, and would have further procrastinated the matter.

There is a thing upon which I am to exercise a discretion, that is, as to costs. Assuming the case stood on the scrutiny, I would not have given costs on either side; because I think, in a constituency of 19,000, a gentleman who has been only rejected by a majority of eight, may reasonably come forward to ascertain what the true majority was. I do not mean to say that evidence might not have been given to alter my opinion, but, as at present advised, I should not have given costs on either side.

Now, as to costs to Lord Milton. The case has been abandoned against him, and *prima facie* he would be entitled to his costs; but I cannot give them. It is perfectly clear that there has been conduct on both sides, to which both sides had no idea that any objection could be taken; that is, entertainment was given to voters upon the day of polling. Both sides seem to have given it; and I think it was highly honourable that it was not insisted upon against the two successful candidates. It was the course that a gentleman would take; having done it himself, he would not put it forward as illegal on the part of his opponents. Nevertheless it was an illegal act, and I think a person standing in the position I do ought to say so. We must decide upon the Act of Parliament. I strongly recommend at any future election, that the parties look to the law and the law alone, and take it as their guide; and, however hard the law may be, and I am far from saying that it is not a hard law, to comply with it, and not to put their seats in jeopardy by doing apparently innocent acts, but which, by the express operation of this Act of Parliament, are declared to void their capacity to be elected. I think this case has come to a satisfactory conclusion. It has been conducted in a manner creditable to all concerned.

YOUGHAL ELECTION.

Youghal.

JUDGMENT delivered by Mr. Justice O'Brien, 2nd March 1869.

Mr. Justice O'Brien.] At the close of this very protracted inquiry it is my duty to state the conclusions at which I have arrived on all the matters (with one exception) which I had to consider. The final judgment in the case will be postponed until the result of the reservation I allude to is ascertained; with regard to the other parts of the case, I shall first consider the particular and special charges of bribery as to which evidence was given, and though most of them were not pressed by Mr. Exham (petitioner's counsel) in his reply, I think it right, where I express a decided opinion on the subject, that I should state shortly my reasons for coming to that conclusion.

The first case of alleged bribery is that of John Griffin, who voted for Sir Joseph McKenna. He deposed to several conversations with John O'Shea, Richard O'Shea, Daniel Geary and his wife, Michael Cronican, James Troy, and John Mariga at various periods before the election, which, if his statement were true, would show that these several parties had attempted to bribe him; his demeanour and the manner in which he gave his evidence were not, however, such as would of themselves inspire much confidence in his veracity. It is clear, on his own admission, that during the entire period to which he referred he wanted to be bribed. He had to admit, what I cannot but designate as a very fraudulent act, the substitution upon certain pawn tickets of one pawnbroker's name for another, in order to raise money on them. The case, however, does not rest upon the result of his cross-examination, for all those parties to whom he referred, persons of respectability, and whose evidence I saw no reason to doubt, were examined on the subject, and they denied in the most explicit and positive manner every statement of Griffin as to anything that would amount or refer, in the slightest degree, to an attempt at bribery. According to his evidence, he said that he would vote for Sir Joseph McKenna, "according to his conscience," because an untruth had been told him of the Reverend Canon Murphy; while Geary, on the other hand, positively swears that Griffin told him that his politics were £. s. d., and that Sir Joseph McKenna would have to pay dear for his votes this time. From this statement of Griffin to Geary as to motives which influenced him I am not inclined to dissent.

The next case is that of Richard Daly, who also voted for Sir Joseph McKenna. He swore that John O'Brien told him last August (after he had told O'Brien that he would vote for Sir Joseph McKenna) that he would get his name down for 30*l*. if he would vote for
Mr.

Mr. Weguelin; and that O'Brien took him to Mr. Barnett, who said it was all right. Daly also swore that David Tracey, one week before the election, offered him two bags of flour and a watcher's book; and he gave an account (which on the face of it is almost incredible,) as to what passed at Mr. Eastaway's public-house on the evening that he went up to Mr. Weguelin's house and told him that he would vote for him. He admitted on his cross-examination that he proposed to Tracey not to vote at all, but to stay away and shut himself up if he got 30*l*. The evidence of this witness as to these alleged offers and conversations was also positively and expressly denied by Mr. O'Brien himself, Mrs. Eastaway, and David Tracey, to whose denial I give full credit.

The next case is that of Michael Keniry and Walter Quinlaw. Keniry voted for Sir Joseph McKenna; he swore positively that Mr. Mariga offered him 20*l*. if he would vote for Mr. Weguelin, that is 10*l*. for himself and 10*l*. for Quinlan. This statement also was positively denied by Mr. Mariga; and if his denial requires any confirmation, which in my opinion it does not, it was supplied by the inconsistent statement of Michael Keniry himself on his cross-examination.

We next come to the case of the alleged bribery of Michael Fitzgerald, who also voted for Sir Joseph McKenna. It appears that he had made a claim on Mr. Barnett, Mr. Weguelin's agent, for 9*l*. 16*s*., the amount of his account for porter supplied in August and September on the order of Mr. McCarthyn, and that Mr. Rice, a solicitor acting for Mr. Weguelin, was present at the time. When Fitzgerald made that claim, Fitzgerald swore that Mr. Barnett, when the account was first presented to him, repudiated it, saying that it was a swindling bill; but that Mr. Rice then said it was a shame not to pay his account, as he, Fitzgerald, was a supporter of Mr. Weguelin, and that then Barnett told him, Fitzgerald, to leave the bill, and that he would see after it. This statement was contradicted both by Mr. Rice and Mr. Barnett. They swore that Mr. Rice did not say it was a shame not to pay the bill, and that Mr. Barnett did not say he would see after it, but that on the contrary, when Fitzgerald said he would not vote for Mr. Weguelin, unless he was paid his account, Mr. Rice said that even so he would repudiate it. Fitzgerald also swore that Mr. Barry, Mr. Weguelin's agent, told him, in reference to his account, to remain firm and quiet, and that it would be all right, and that he, Fitzgerald, should not, for the sake of his account, upset an election which had cost between 6,000*l*. and 7,000*l*., a statement which Mr. Barry positively swore was wholly untrue. Fitzgerald next states that on the Sunday evening before the election he went to Mr. Barry's house where Mr. Weguelin was dining, that he was asked for his vote, but would not give a promise, that he got two glasses of champagne and drank to Mr. Weguelin's health, and that Mr. Barry followed him out and asked him how many men he had in his ship; he then states that Mr. Barry told him to employ some of those men, (I think four or six), but that Mr. Barry did not tell him what they were to do; and it would appear, according to Fitzgerald's statement, that they were to be employed by him to do nothing. Mr. Barry gives a very different account of this conversation; he says that it took place not on the Sunday night, but afterwards, and that he positively told Fitzgerald to employ those men to watch a particular voter who he was afraid would be carried away. He says also that Fitzgerald had previously promised his vote to Mr. Weguelin. Fitzgerald also states that he paid the men the money Barry gave him, but that the ship belonged to Mr. Curtin, and that the men were at the time sailors of that ship, employed under a monthly engagement by Curtin, who paid them their wages, and that he, Fitzgerald, had nothing to do with their hiring.

With regard to those four charges I have perhaps gone into unnecessary detail in stating the result of the evidence. It would be a waste of time to do so further; they were abandoned by Mr. Exham in his reply, and I do not believe that any impartial person in court who heard the evidence of those parties alleged to have been bribed, and that given in contradiction, would attach any credit to their statements as to those charges, or come to any other conclusion than that they were a tissue of fabrications.

We next come to the case of Sargent, which stands upon somewhat different grounds. He also voted for Sir Joseph McKenna, and he states that in August he met Mr. Mariga, who spoke to him, and said that he, Sargent, had been given in charge to him by Mr. Weguelin; that he, Mariga, had told Mr. Weguelin that there were many poor men in Youghal to whom 20*l*. or 30*l*. would be of advantage, and that Mariga offered to pay the money at once if Sargent would promise his vote for Mr. Weguelin; but that Sargent told him he would wait a bit, and that Mr. Mariga then said he held a blank cheque of Mr. Weguelin's to fill to any amount he thought proper, and that Sargent should not promise anyone else till he saw him again. Considering, however, the position of Mr. Mariga, and what came out upon his evidence here, it would strike anyone that Sargent's statement was improbable; and Mr. Mariga in his evidence denies positively the offer of 20*l*. or 30*l*., or of any sum; and according to Mr. Mariga's statement, which I credit, the only matter that would give colour to this story was, that Mariga said he had a blank cheque of Mr. Weguelin's in his pocket. He also swore that he never had a check of Mr. Weguelin's, and that what he said to Sargent was said in such a manner that he could not think that Sargent believed or understood he had the cheque. Perhaps that occurrence either suggested to Sargent's mind to invent the story, or perhaps by dwelling on it he persuaded himself that what he stated in his evidence had some foundation.

With respect to this charge I may refer to what happened on the Cheltenham election petition, as reported in the "Times" newspaper of 11th of February, and which in some respects resembles this: A Mr. Ryder, in canvassing a voter, took out a 5*l*. note, and flourished it about; and said, "Oh, that is the way our party bring up the men to the poll."

Youghal.

This was relied upon as an act of bribery, but Mr. Baron Martin did not so consider it; he stated that he believed the intention was only to "chaff" the voter, and that there was no real intention to bribe him. I have not the slightest doubt in the present instance that Mr. Mariga had not the most remote intention of bribing or attempting to bribe Sargent or of holding out any offer of money to him.

I will conclude my observations on this charge by saying that, considering the way evidence may be manufactured by witnesses, it is a dangerous thing, pending or in contemplation of an election, for persons to say anything, even in mere joke, that would give any foundation for fabricating such a charge.

With regard to the cases of Hurley and Michael McDaniel, the circumstances are of a different character. John O'Brien is alleged to have attempted to bribe Hurley. O'Brien was the agent of Mr. Dower, a brewer in Dungarvan, who had for years supplied Hurley, who is a publican, with porter. I do not impute perjury to Hurley, although I think there was inaccuracy as to some of his statements. It was the habit of Mr. Dower and of Mr. O'Brien, as his agent, to advance money from time to time, as a loan, to Hurley, as is usually done by brewers to publicans who deal with them. O'Brien says that during the years 1866 and 1867 such advances had been made to Hurley, and I am of opinion, upon the evidence, that the advance of 12 £. by O'Brien to Hurley, which is charged as an act of bribery, was, as O'Brien positively swore, made by him as agent for Mr. Dower in the usual course of business, and had no reference whatever to the election, and would have been made by him if there had been no election at all. He further swore that about the same time he made, on behalf of Mr. Dower, a similar loan of a larger sum to Mr. Garth, another publican, who was a supporter of Sir Joseph McKenna, and who also dealt with Mr. Dower, and whose wife told O'Brien, at the time of the loan, that she thought her husband would not vote for Mr. Weguelin. This case was pressed very strongly by Mr. Exham; indeed it was the only one of those cases of bribery which he much relied on, and I must say that the imputations thrown out by him against O'Brien appear not warranted either by O'Brien's evidence, or the manner in which he gave it, or anything that transpired on the trial.

But what does Hurley himself say? He voted for Sir Joseph McKenna, and he swore he never understood O'Brien's offer as at all relating to the election, and he repeats that answer two or three times. Then it is thought to disconnect this 12 £. loan from the offer to pay Hurley's rent, upon the ground of some difference in the dates, as stated by O'Brien and Hurley, from those proved afterwards by Mr. Greene, who was an active supporter of Sir Joseph McKenna, and is now acting for petitioner. It is very improbable that if O'Brien intended to bribe Hurley by paying his rent, he would have communicated as he did with Mr. Greene on the subject; and I have no doubt that Mr. O'Brien made that offer, as he stated, with reference to Mr. Dower, and as the agent of Mr. Dower, and he also swore (what was perfectly intelligible) that though Hurley was poor and owed rent, it was the interest of the brewer to keep up and sustain the publican that dealt with him; and it is well understood that, from time to time, brewers, for their own benefit, advance money to their customers.

With respect to Michael McDaniel, who also voted for Sir Joseph McKenna, there is nothing to connect Mr. Weguelin, or any of his agents, with the alleged offer of Rooke to McDaniel; and, upon Rooke's evidence, I do not believe that even Rooke himself had any intention of making that offer as a bribe. He never spoke to Barry upon the subject; and in justice to Rooke I feel bound to state that, in my opinion, the charge against him of any attempt to bribe is not well founded.

Another charge was made on the cross-examination of Mr. Judge at nearly the close of respondent's evidence, namely, that he attempted to bribe Duggan. Duggan was not examined, but Mr. Judge stated that some time before the election Duggan, together with several railway porters, partook of porter, or some other drink, in Murphy's public-house, which was given by Judge. But Judge positively swore he did not know that Duggan was there until he saw him with the railway porters following him into the public-house. A great deal of time was consumed in examining as to the fact of Duggan having called that evening upon Mr. Mooney, and in inquiring whether he walked down to the railway station side by side with Mr. Judge, or after him; and as to whether he sat in Mr. Mooney's house in the hall, or in the parlour; but upon the facts which came out in the examination and cross-examination of Judge, there appeared no foundation whatever for this charge of bribery (which is not mentioned in the Bill of Particulars); and with respect to its being a case of treating, the observations which I have made on the evidence would also apply to that charge.

These several charges of bribery, to which I have particularly referred, are the only cases among the 78 mentioned in the Bill of Particulars as to which any evidence has been given; and I have referred to those cases at some length, not merely for the sake of showing the grounds upon which I have come to the conclusion that none of them has been established, but also for the purpose of expressing my strong disapprobation of the manner in which this Bill of Particulars has been framed. It appears that 127 voters polled for Mr. Weguelin at the election, and 106 for Sir J. McKenna. There are charges of bribery in 78 cases, as to voters, of whom the far greater number voted for Mr. Weguelin. When the case was opened by Mr. Heron, as a case in which substitution was not prayed, it struck me (what the result has proved), that there was great doubt whether these cases were inserted upon any sufficient grounds. The object of a Bill of Particulars is to give the opposite party reasonable information as to the case that will be made

made against him; to give him an opportunity of inquiry, and to enable him, if he can, to contradict or explain the facts charged against him; but the system adopted here would defeat that object. The petitioner might almost as well in this case have included in the Bill of Particulars the 127 parties who voted for Mr. Weguelin, and I cannot avoid saying that, in my opinion, this Bill of Particulars was either framed "as a blind" (to use an expression attributed to Mr. Justice Willes on a late occasion), and for the purpose of baffling inquiry, by rendering the cases to be inquired into so numerous, that proper inquiry could not be made, or else (if not prepared with that intention) that it was framed with a reckless disregard and indifference to its accuracy and without the slightest consideration whether the charges in it were true or not, or whether those acting for petitioner had any reasonable ground or reliable information as to their truth. Besides, in the present case, the respondent himself is charged with personal bribery in all those cases except two or three. He was examined by petitioner as a witness, but he was not asked a single question by petitioner's counsel as to those charges. Other gentlemen were also charged with personal bribery. Several of them were examined during the trial; but, with a few exceptions, not a single question was asked of them by petitioner's counsel as to those charges; and Mr. Butt, as respondent's counsel, had of course to ask them to negative charges that were made upon paper, but which neither the counsel nor the witnesses for petitioner ventured to support. I think that some regulations should be made with regard to such Bills of Particulars, and I have made these observations to express my disapprobation of the practice resorted to on this occasion, and to show that it should be discountenanced in every possible way and should be regarded as a matter, which (whatever the result of the petition may be), should materially affect the question of costs. If a party has a case, and comes forward and succeeds on it, that is no reason why he should load the proceedings with gross charges against individuals without any ground or reliable information upon which to sustain them. In the present case, Mr. Barnett, although not served with a subpoena as a witness, stated that he came here with every document he could get to vindicate his character, because he heard that he was charged in the Bill of Particulars with having bribed several persons.

The next part of the case is as to the employment of watchers. In the course of the trial, I expressed my opinion that it was upon the evidence sufficiently shown that the general arrangement for the appointment of watchers was made *bonâ fide*, and was considered necessary by the parties who made it for the purposes which they stated, namely, for their protection. I understood that Mr. Heron, petitioner's leading counsel, did not dissent from that view, but acquiesced in it. The matter was referred to by me upon the examination of a witness who was asked as to a conversation with the Rev. Mr. Foley. Mr. Heron, on the part of the petitioner, objected to that question, and I stated that the only object of such evidence appeared to be to show the *bonâ fide* character of the arrangement made for the employment of watchers, which I said was in my opinion sufficiently shown upon the evidence. When I stated what my impression was, Mr. Heron acquiesced in it, and the question was not pressed; but on the following day after Mr. Heron's departure, Mr. Exham dissented from my view of Mr. Heron's acquiescence, and I then stated I did not wish to bind counsel by what had been stated in the course of discussion, and not taken down as admission. A considerable amount of evidence was, however, given on this matter, which in my opinion clearly showed that Mr. Heron was justified in not disputing the correctness of the conclusion at which I stated I had arrived. It appeared from that evidence that Mr. Weguelin in the beginning of his candidature was encountered by the decided opposition of the Roman Catholic clergy of this town, who had in very strong language attempted to discountenance any opposition to Sir Joseph McKenna, and had in like manner addressed their congregations on various occasions to that effect. Mr. Kennedy (an active supporter of Mr. Weguelin) swore that in a conversation with Mr. Hodnett, the conducting agent of Sir Joseph McKenna, early in August, Mr. Hodnett said in his office that the Rev. Canon Murphy, with the mob, would sweep the opposition to Sir Joseph McKenna out of the town. The Rev. Canon Murphy was examined; he denied (and I believe his denial) that he ever had said or done anything that would have warranted Mr. Hodnett to make that statement; and Mr. Hodnett also on his examination said that Canon Murphy had never said anything that would warrant such a statement. But I refer to this matter, not for the purpose of considering whether such a statement was in fact made by Canon Murphy, but to show the impression which Hodnett conveyed to Kennedy, and the apprehension that might naturally be supposed to have been created in the minds of Mr. Weguelin's supporters by what Mr. Hodnett said. Mr. Hodnett was examined to contradict Kennedy's evidence. On his direct examination he gave a qualified denial of having said so, but on his cross-examination he said that he would not positively say that he did not make such a statement to Mr. Kennedy, as he said many things during the election agitation; but he was sure he did not make that statement to Kennedy in his office, or except among groups of people to keep up their spirits. It appears, however, that Mr. Kennedy understood the statement in the terms in which it was made. Mr. O'Shea, another supporter of Mr. Weguelin, also swore that after the declaration of the 4th of June, in which so many pledged themselves to oppose Sir Joseph McKenna, he was constantly beset by the mob in the streets, shouted at, and hissed at, when passing at various times from that till the time of the election. Mr. Eastaway, another supporter of Mr. Weguelin, swore that before the watchers were appointed, he had heard the threats of the mob that his house would pay for it as it had done in 1852, if he did not vote with the clergy.

Youghal.

Donovan, another supporter of Mr. Weguelin, stated that before he got his watcher's book, his house was attacked, his wife dragged by the mob into the street, and that he had been attacked and struck by Sir Joseph McKenna's mob in the street at night, and that on one occasion they said they would have his life. Subsequent to these occurrences, and on the 13th of November, within a week or eight days of the election, an arrangement was made at Mr. Barry's office by several of the principal supporters of Mr. Weguelin, that watchers should be appointed for the protection of Mr. Weguelin's friends and supporters. It was then arranged that, in order to secure the selection of proper watchers, and prevent the indiscriminate appointment of persons who might act, and take money on both sides, various voters who required protection, or who were considered proper persons to make the selection, should get books or papers for the purpose of entering in them the names of the men they employed. A large discretion must have been necessarily left to the parties who got the books as to the number of men they would employ. After that arrangement was made, events happened which showed that the precautions were not by any means superfluous. Mr. Eastaway swore that on the night before the polling his shop was attacked and entered by the mob, headed by Mr. O'Connor, the son-in-law of Sir Joseph McKenna. Eastaway stated what took place on that occasion. Mr. O'Connor was in court, and was not examined to contradict him. Mr. Fleming and Mr. O'Shea also stated that on another occasion (whether before or after the arrangement of watchers I do not now recollect) Mr. O'Shea was thrown down and knocked about by Sir Joseph McKenna's mob, opposite Sir Joseph McKenna's committee-room; and several witnesses also deposed to the fact that a country mob in the interest of Sir Joseph McKenna entered the town at the election; and that in their opinion the appointment of watchers was requisite for their protection. Mr. Exham very properly relied upon the evidence of Mr. Dennehey, the resident magistrate, who deposed to the peaceful state of the town during and previous to the election. I attach implicit credit to anything Mr. Dennehey stated from his own knowledge of the state of the town during that period; but outrages such as I have stated, being sudden and of short duration, might take place and cause serious injury before the police would come up; and, with respect to the attack upon Eastaway's house, Mr. Eastaway stated that the mob had nearly all gone away before the police made their appearance. Mr. Dennehey also stated his opinion that the mobs were so well matched against each other as to prevent them from fighting.

Supposing, therefore, that this arrangement was made *bonâ fide* (as I have no doubt it was), and that it was a reasonable precaution, the question is whether it was in any instance carried out colourably, and as a cloak for bribery or undue influence. Several witnesses were examined as to the appointment and employment of these watchers for their protection, and as to the names and the numbers of those employed, and the amount paid them. Without going into their evidence in detail, I think it enough to say that in my opinion no case of any such colourable appointment was established. The rate of payment was not excessive, being 3 s. a day or night. It appears that the number of men was about 350 or more, and the amount paid was about 300 l. I may observe that at the late trial of the Limerick election petition before Baron Fitzgerald, it appeared that a very large number of men were employed for a somewhat similar purpose, and that though they were only employed during two days, about 250 l. was paid for them. Mr. Exham, in his reply yesterday, endeavoured to establish a case of colourable payment of money, under the pretext of watching, on account of a discrepancy of a few shillings between the statements of Patrick Ahern and of Cronican. It is possible that Ahern may not have got the full amount he claimed, but he swore positively as to the number of men he employed, and that the amount due to them was equal to the money that he claimed.

Having disposed of this question as to the watchers, I now come to the charge of distribution of money in the streets to the poor. None of this money was given to any voters, but it was alleged that this was bribery under the third paragraph of the second section of the Corrupt Practices Act of 1854, which declares every person to be guilty of bribery who should "directly or indirectly, by himself or any other person on his behalf, make any such gift, loan, &c., as therein mentioned, to or for any person, in order to induce such persons to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter," &c. There was certainly a very large sum of money given (I would say, most improvidently given) to the poor people in the streets; it was really no charity, whatever it was intended for, because its effects were not those that would be produced by well-administered charity. Mr. Weguelin himself expressed his own disapprobation of it in strong terms. It appeared that about 130 l. was given by Mr. Barry in this way, 160 l. by Mr. Mooney, and some 50 l., I think, by Mr. Barnett. That money was distributed to an extent which, considering the way it was given, was quite inexcusable. The sums were distributed in sixpences and shillings, and I think sometimes in two-shilling and half-crown pieces. But what is the ground upon which it is alleged that the giving of this money was bribery, or that it was given to induce the persons who got it to procure Mr. Weguelin's return, or the vote of any elector? When I asked the petitioner's counsel this question, the only ground which his ingenuity suggested for connecting the return of Mr. Weguelin to Parliament with the giving of this money to poor non-electors, so as to bring the case within this bribery section, was, that it was given in the contemplation that the people who got the money would spend the amount in drink, and thereby increase the profits of the publicans with whom they drank, and would in that indirect manner influence the votes of those publicans, and endeavour

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to procure the return of Mr. Weguelin. Until Mr. Exham stated that, I was at a loss how to connect this giving of money with an act of bribery. His suggestion is very ingenious, but I think it is enough to read the words of the Act of Parliament to see that such a proceeding as this was not contemplated as being within its provisions.

Petitioner's counsel also relied on the orders for food, drink, boots, shoes, and other articles of clothing to be supplied to the poor non-electors; and Mr. Exham endeavoured also to establish that these orders were given with a view to induce the shopkeepers by whom those goods were supplied to vote for Mr. Weguelin, on account of the profits they derived from such orders. Numbers of those shopkeepers were, however, examined, and stated that their profits on the goods were very inconsiderable. The parties who gave the orders were also examined, and they swore they gave them without the slightest reference to any advantage to be gained by the shopkeepers, or to their votes, though it appeared that all the orders were given to shopkeepers who had promised to support Mr. Weguelin.

With regard to the profit of the shopkeepers, one of them said that on the sale of 80*l.* or 90*l.* worth of goods his profit was not 30*s.*; others said they sold them at lower prices than they usually charged. It appeared that in one shop boots of rather an expensive description were supplied; but the shopkeeper's daughter, who was examined, accounted for it by saying that when the order was given her stock was nearly exhausted, and she could only give what she had; and, with respect to some patent leather boots which were so much commented upon, it appeared that they were bought for Mr. Weguelin himself.

With reference to the orders for food given to the poor non-electors, Mr. Exham stated that he could not bring them within the 4th section against treating. But if he could not bring them within that section, how could they be brought within the section against bribery? If the purpose for which those orders for food were given was such as to bring the case within the 3rd paragraph of the bribery section, it would follow that it would be equally within the 4th section against treating.

I shall next consider the charge of excessive payments made to respondent's agents. Mr. Exham applied at the close of petitioner's evidence for liberty to amend the petition by charging that those over payments rendered the election void under the 1 & 2 Geo. 4, c. 58, sec. 6. I refused that application on the various grounds I then stated, and I stated also that if it was necessary to decide the point I should be inclined to hold that this Act of Geo. 4 has been impliedly repealed. With regard to counties, by the subsequent Acts to which I referred, the Reform Act 2 & 3 Will. 4, reduced the number of polling days from fifteen to five; and the subsequent Act of 1850 (13 & 14 Vict. c. 68), further reduced the number of polling days to two in counties and one in cities, towns, and boroughs; and another subsequent Act (25 & 26 Vict. c. 62) further reduced the polling days in counties to one day. Now the very division of polling places in counties made by those latter Acts would necessitate the employment of more than one conducting agent, which alone was allowed by the Act of Geo. 4. In a county it could not be contended as reasonable or just that a candidate should be prohibited from having more than one such agent. Take the county in which we are, in which there are so many polling places, and where polling lasts but one day only, could it be contended that in this county a candidate should employ only one conducting agent, or should pay his other agents or inspectors only the sums prescribed for one day by the Act of Geo. 4? If he did so, he would not get persons upon whose judgment or intelligence he could rely. Supposing, however, that this provision of the Act of Geo. 4 is still in force, the petitioner cannot rely on those over-payments as of itself vitiating the election, because he did not make that case by his petition. But Mr. Exham further contended that these over-payments were acts of bribery within the 3rd paragraph of the bribery section of the Act of 1854. Considering, however, the very penal consequences attaching to bribery, and that if these over-payments to agents were to be considered as acts of bribery, they would be acts of personal bribery by the candidate who paid those agents, I cannot come to the conclusion that they should be considered as such, or that it was the intention of the Legislature to make those over-payments acts of bribery. Such an intention should, I think, have been expressed in clear and unambiguous terms.

A supposed case was put by Mr. Exham of extravagant sums (say 1,000*l.*) being paid to two or three influential solicitors in a town, ostensibly for their services as agents, but really for the purpose of securing their support and influence with the voters. Every case must, however, be judged of by its own circumstances; and if such extravagant sums were paid to influential parties in a town, sums exceeding, and out of all proportion, the amount of any fair remuneration for their legitimate services, then indeed it would be a question whether the money was *bonâ fide* paid for such services, or was not really paid for the purpose prohibited by this third paragraph. When that case arises it will be requisite to deal with it; but for the present I state my opinion that on the question raised in this case, and having regard to the facts which appeared upon the evidence as to the agents who were appointed, I do not think that these over-payments can be relied on as acts of bribery. It appears that the only agent who was a resident or voter of this town is Mr. Barry, who was virtually Mr. Weguelin's conducting agent, and who did not vote at the election. Mr. Mooney's first acquaintance with Youghal was on a visit some months before the election. Neither he nor Rice or Mackay had votes; and it is to be observed as to the payment to Mr. Rice, that it included his

Youghal.

attendance at the revision, which was a matter that required intelligence and labour to carry out.

I now come to a question upon which I have felt some difficulty, namely, the charge of treating; and I shall first notice the argument of Mr. Exham, that the old Act of the 35th Geo. 3, c. 29, section 19, is still in force as regards boroughs. The provisions of that section are (amongst other things) that no person to be thereafter elected to serve in Parliament for any county, city, town, or borough, shall, after the test of the writ, or after a vacancy shall have happened, give or allow to any elector, directly or indirectly, any meat, drink, or entertainment; or shall at any time thereafter give or allow any meat, drink, &c., to any voter in order to be elected, or for being elected; and that the election of any person so giving or allowing any meat, drink, &c., should be void. Mr. Clarke, whose book has been cited, expresses his opinion that, under that 19th section, the qualifying words, "in order to be elected," &c., governed only the latter part. Without saying that I concur in that conclusion, the consequences of not holding would be very serious if that section was still in force. Supposing a candidate's brother, or other near relation, who had a vote, came and dined with him before the teste of the writ and the election, the candidate would be liable under that section, as the first part of it prohibits the giving of meat or drink to any voter, without reference to the purpose or design for which it was given; and the candidate would in such case be disqualified from being elected. It appears that this old Act of Geo. 3, so far as relates to counties of cities and counties of towns, was repealed by the 4th Geo. 4, c. 55; but the 79th section of that latter Act contained a provision in terms the same as the 19th section of the former Act, except that it applied only to counties of cities and counties of towns. That 79th section was itself expressly repealed by the Corrupt Practices Act of 1854, which does not repeal or notice the Act of the 35th of Geo. 3, which was then unrepealed, as to boroughs in Ireland, though it does repeal the English Act of Will. 3, which contains provisions similar to those of the 19th section of 35th of Geo. 3; and Mr. Exham contends that accordingly this 19th section is still in force as to boroughs. It would, however, require some reason to establish that the Legislature intended that a different state of the law should exist in Ireland from that which exists in England, and also intended that there should in Ireland be a difference in the law of treating as regards boroughs from that which exists as to counties of cities and counties of towns. Mr. O'Hagan (respondent's counsel) also relied on the preamble of the Corrupt Practices Act of 1854, as showing the intention of the Legislature to have (as regards corrupt practices) the same law for all elections. That preamble states the insufficiency of the laws then in force for preventing corrupt practices in the election of members; and that it was expedient to consolidate and amend such laws. Then the 4th section deals with some of the Acts which are legislated against by the 19th section of the 35th of Geo. 3, and provides that they shall constitute the offence of "treating," if they are done, "corruptly." The 23rd section of the Act of 1854 may also be referred to. It is clear that, so far as the 19th section of the 35th of Geo. 3 was to remain in force, there would be no doubt that the giving of food, meat, or drink upon the day of polling would be illegal. But this 23rd section of the Act of 1854 states that doubts had arisen as to "whether the giving of refreshments to voters on the day of nomination or the day of polling be or be not according to law." Probably whoever prepared this Act had not in his contemplation the Act of 35th of Geo. 3. But I fully concur in the principle so clearly relied on by Mr. O'Hagan, namely, that an Act of Parliament, though not expressly repealed, is impliedly repealed by a subsequent Act, the provisions of which are inconsistent with the previous Act, and I think on that ground I should hold that this 19th section of the 35th of Geo. 3 is no longer in force even as to boroughs in Ireland.

The part of the case as to the charge of treating, with respect to which I feel the difficulty I have stated, is that which rests upon the 4th section of the Act of 1854. Mr. Butt, in the first instance, contended that, having regard to the Act of 1858 (21 & 22 Vict. chapter 87, section 3), which altered the definition that had been given by the Act of 1854 of the words "candidate at an election," Mr. Weguelin was not responsible for any act of treating committed before the dissolution, consequent upon which the writ for holding this election was issued. That Act of 1854, section 38, says that the words "candidate at an election" shall include "all persons elected to serve in Parliament at such election, and also all persons nominated as candidates, or who shall have declared themselves candidates at or before such election." If that definition of the words "candidate at an election" was still in force, there would be no doubt whatever that the sitting Member would be answerable for any acts of treating committed by him or his agents after the time when he declared himself a candidate, though long before the election. But Mr. Butt (and I believe he may have the credit of having first suggested this point) refers to the 21 & 22 Vict. chapter 87, the 3rd section of which expressly repeals so much of section 38 of the Act of 1854, as defined the words "candidate at an election," and declares that in the construction of the said Act of 1854, as amended by said latter Act, "the words 'candidate at an election' and the words 'candidate at any election' shall include all persons elected to serve in Parliament at such election, and all persons nominated as candidates at such election, or who shall have declared themselves candidates, on or after the day of the issuing of the writ for such election, or after the dissolution or vacancy in consequence of which such writ shall have been issued." The following definition of the word "candidate" is given in the

3rd section of the interpretation clause of the Act of last Session, viz., "Candidate shall mean any person elected to serve in Parliament at an election, and any person who has been nominated at or declared himself a candidate at an election." Mr. Butt contends that the 4th section in the Act of 1854, which defines the offence of treating, should be read with the definition of the words "candidate at an election," given by the subsequent Act of 1858; and that if a person was not (within the meaning of that definition) a candidate at the time he treated, he therefore was not responsible for it under said 4th section, and that no action could be brought against him for the penalty of 50*l.* imposed by that section except for acts done after he became such candidate; and he further contends that if such person was sued for the penalty, after he declared himself a candidate, for acts of treating committed by him before he became a candidate, it is clear that as he was not liable to the penalty at the time of committing those acts he could not subsequently become liable thereto on the ground of his subsequently becoming a candidate.

Though this is a very ingenious argument, I am not prepared to pronounce any opinion upon it. I think the construction for which Mr. Butt contends would lead to consequences that would in a manner nullify one of the manifest objects of the Act, by holding that, down to the time of dissolution, acts of treating might be committed with impunity. If so, the mischief intended to be avoided by the Legislature might take place, and the candidate absolved from all responsibility, provided he stopped at the dissolution. If, on the other hand, treating by the candidate before the dissolution was, by reason of the subsequent Statute, exempted from the operation of the Act of 1854, which is a penal Act, then Mr. Butt has a right to contend that these Statutes should be strictly construed. I have stated that he may have the credit of raising this point, because I find that in some of the recent election trials in England acts of treating were proved and successfully relied on, though they took place before the dissolution. In the Windsor case (the first that was tried), a transaction took place in the month of August, which was relied on as an act of treating, namely, that of the sitting Member presiding at and providing wine for a dinner that was given by some Society. Mr. Justice Willes held that it was not an act of treating, because the Society was a social and not a political one; but the fact of its having occurred before the dissolution was not relied on.

Under these circumstances I will not here decide that Mr. Weguelin is not responsible for acts of treating committed previous to the dissolution. The question has been very ably argued by Mr. Butt, and I stated in the early part of the trial that I would, if necessary, reserve the question for the consideration of the Court of Common Pleas, under the 12th section of the Act of last Session.

What I have already stated implies that I have come to the conclusion upon the question of treating, that acts took place which might be considered as treating, subject to the construction of the words, "candidate at an election," in that 4th section; but there is upon this point another question of difficulty as to the meaning of the word "corruptly" in that section. It has been urged for respondent, that if an Act of Parliament attaches a penalty to an act, "if done corruptly," this would imply that the doing of the act was not *per se* corrupt, and that there should be some other element in the case to warrant the conclusion that the party, by doing the act, became liable to the penalty.

This 4th section uses, in the beginning of it, the word "corruptly." It provides that "every candidate at an election shall be deemed guilty of the offence of treating who shall 'corruptly,' by himself, or by or with any person, or by any other ways or means on his behalf, at any time, either before, during, or after any election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision, to or for any person in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted," &c., &c. The question then is, what is the meaning of this word "corruptly"? and whether, having regard to the various authorities upon this point, the proof that has been given here of what took place at the "Devonshire Arms" showed that the drink there supplied was given "corruptly." At the recent trial of the Bradford Petition, No. 1, it was held that the opening of a number of public-houses for the purpose of indiscriminately supplying drink to voters and non-voters, warranted the conclusion of corruption. But before I consider the various authorities as to the effect and meaning of that word "corruptly," I will refer to what took place at the "Devonshire Arms" Hotel, which had been taken for Mr. Weguelin in July. Mr. Heron, in his opening statement, commented at considerable length upon the bill furnished by that hotel. During the early part of this trial it was the case of petitioner's counsel that almost all of the great quantity of drink of various descriptions charged in that bill was consumed at the entertainments in the upper rooms of the hotel in which Mr. Weguelin and his friends and agents were stopping from time to time. But I could not reconcile that supposition with the evidence given as to the number and description of persons who dined in or frequented those upper rooms. Miss Murphy, the daughter of the hotel keeper (who was himself unable, from illness, to attend as a witness), swore on her first examination that she took down the orders for such drink as they were given to her by the two waitresses who attended in those upper rooms (one of whom was produced here, and the other was not now in her service). It appeared from the evidence of the waitress who was examined, that she used to bring such orders to the bar, and take upstairs what was so ordered;

Youghal.

and Miss Murphy stated that she used to put down on a slate, and enter from that in her book, either in the evening or the next morning, the amount of drink so ordered, and which (as I understood from her first evidence) was carried upstairs to some of the rooms occupied by Mr. Weguelin's friends or agents. I examined the hotel book more particularly, and was struck with the fact that this excessive supply of drink occurred on some particular days. I accordingly had Miss Murphy recalled, and on her further examination it appeared (what had not before transpired, though I do not think she had in the slightest degree intended any concealment or misleading on her first examination) that a great quantity (two-thirds, at all events) was consumed, not in the rooms upstairs or upon orders given, but under the following circumstances: It appeared that on 14 or 15 evenings during the few months preceding the election there were meetings of Mr. Weguelin's supporters at Dill's committee-rooms, and that on those occasions the gentlemen and persons of the better class who attended those meetings used to come to the hotel when the meetings were over and go upstairs; that they were followed to this hotel by a crowd, several of whom attended the meetings, and this crowd forced their way on some occasions into the hotel, and insisted upon getting drink, and that she had to give them drink in order to get rid of them, and had sometimes to send for the police to clear the house, and that the drink supplied to them was put down by her to Mr. Weguelin, and constituted so large a proportion of the amount. She also stated that neither Mr. Barry nor Mr. Mooney, nor any others of the committee ever told her to give such drink, and that she never informed them of the amount so given. That would, according to her evidence, account for about two-thirds of the drink, but the remaining one-third was very considerable in quantity, and it appears that the greater portion of it was consumed in the rooms upstairs. A great deal of evidence has been given as to the number and class of persons who frequented those upper rooms, their position in life, and their decided feelings in favour of Mr. Weguelin. It also, however, appeared that on three several occasions when Mr. Weguelin entered this town, namely, on the 29th of July, the 5th of September, and the 26th of October, drink to a considerable amount was consumed in the coffee-room by the persons who took part in such processions and accompanied them to the hotel, several of those persons being voters. It certainly appears that some persons who drank from time to time in the coffee-room on those occasions, used to treat each other and pay for their drink themselves; but a considerable part of the drink consumed on those three occasions was not paid for, but was charged in the hotel book to Mr. Weguelin. The name of Robert Murphy, son of the hotel keeper, was mentioned yesterday by Mr. Exham, and his non-production was commented upon. As I had not known that he took any part in the management of the hotel, the necessity of calling for his production had not occurred to me; but when Mr. Exham observed upon his not having been examined, I thought it right, under the power given to me by the Act, to have him called and examined; and he stated that he recollected a number of committee meetings on which occasions several of the humbler classes followed from the committee-rooms, the gentlemen who went upstairs. From the manner in which Murphy gave his evidence, his memory does not appear to be very good, as he seemed to forget things that one might reasonably think he would have remembered; but at all events he did not give his evidence in a manner that would induce me to think he was adverse to Mr. Weguelin, or that he would exaggerate in the slightest degree anything that would tend to that gentleman's disadvantage. He stated that on several of those occasions when the crowd came over from the committee-rooms, it consisted of voters as well as of non-voters; that about 60 or 80 persons used to attend the committee-rooms, and that out of those 60 or 80 persons, several of them would come to the hotel when the meetings were over; that some of the voters would go upstairs and have drink there; and that several of the poorer class of voters used to come into the hotel and stand at the bar. Taking his evidence with that of Miss Murphy, that those presenting themselves at the bar and asking for drink would get it without her knowing whether they were voters or not, the manifest conclusion is, that on those various occasions several voters got drink at the bar.

So far even as relates to the entertainment upstairs, this arrangement was a very improvident one for Mr. Weguelin. It has been held in England in several cases that Acts much less positive have been considered as treating. The candidature of Mr. Weguelin was announced on the 29th of July. The opposition which he encountered then, and the feeling that was sought to be got up against him, were relied on by Mr. Butt as suggesting the reason why he should leave persons here to act for him. To that alone there would be no objection, but if it is contended that the motive of giving these constant entertainments in the rooms upstairs was to promote his popularity and to counteract the influence of the opposition, it would go very far towards establishing a case of treating. It may be that the feeling against Mr. Weguelin, which was caused by the Roman Catholic clergy and others, rendered it advisable for him to leave some of his friends behind to act for him in his absence; and that this may more or less account for the giving of charity, which, as I have already stated, did not in my opinion amount to bribery, though given for the purpose of increasing his general popularity. But with respect to the entertainments in the rooms upstairs, it is to be observed that Mr. Weguelin did not himself reside in that hotel after the 14th of August. He stopped with Mr. Mooney from the 5th to the 12th of September on his second visit to Youghal, and he took a house for himself at his third visit on the 26th of October. Mr. Barrett did not stop long at the hotel, and Mr. Rice and Mr. Mackey were there but occasionally, so that it is difficult to regard those

those entertainments in the rooms upstairs as what would naturally occur from persons calling in the evening to see Mr. Weguelin or his friends, and being asked, as a matter of courtesy, to partake of drink. Considering, however, all the evidence given as to the character and positions in life of the persons who partook of those entertainments upstairs, that several of them were not voters, and that such of them as were voters were, with few exceptions, the avowed supporters of Mr. Weguelin, and the opponents of Sir Joseph McKenna, having pledged themselves to Mr. Weguelin from the period of his arrival, there are grounds for contending that, if the proceedings at the "Devonshire Arms" were confined to those entertainments upstairs, they would not amount to treating. But, even in that case, it would require much further consideration before I came to such a conclusion, having regard to the decisions in England, not in one particular case, but in several, and to the opinion of the judges, that arrangements of that sort, where people might come without invitation, and partake of drink at the expense of the candidate, might be regarded as acts of treating from the number of times the drink was supplied, and the apparent object with which it was given.

But I am relieved from the necessity of considering the effect of these entertainments upstairs from what took place in the coffee-room and at the bar of the hotel. It appears that on the occasions of the three demonstrations on the 29th of July, the 5th of September, and the 26th of October, and of the 14 or 15 meetings at Dill's committee-rooms, several of the people who attended the processions and meetings used to go into the coffee-room or to the bar to get drink. There is no evidence to show that there was any limit put upon them; on the contrary, the evidence shows that any of those who attended the processions or meetings might have gone to the coffee-room or bar and ordered drink; and though there is no ground for saying that Miss Murphy gave any quantity sufficient to produce intoxication, there is certainly general evidence that several voters were seen drinking in the coffee-room without paying for it; and we have the further evidence of Robert Murphy, which leaves no doubt upon my mind of the fact, that on the occasion of those committee meetings several voters of the humbler class came from the committee-rooms and got drink at the bar. He certainly declined to say whether any of the persons whom he actually saw drinking on those occasions were voters; but we have the evidence of Miss Murphy, that drink was supplied on those occasions to anybody who came to the bar and asked for it.

Independently, then, of the law of the case, no one on this evidence can hesitate to come to the conclusion that, upon those several occasions, voters of the humbler class, with respect to whom the mischief of treating would be most likely to be produced, were supplied with drink; and then the question is, Was that drink given "corruptly" within the meaning of the 4th section of the Act of 1854?

It was, as I have already remarked, urged in the course of the trials, that where an act is made penal, if done "corruptly," it is to be implied that the act *per se* is not necessarily corrupt. Mr. Exham, however, has referred to several authorities (some of which I had myself considered before), which show what construction the judges in England have put upon the word "corruptly," used in this 4th section as to treating. In the Windsor case, which is reported in 19th "Law Times," p. 613, and was the first petition tried, there was a dinner of the society of Odd Fellows in the month of August, at which the sitting Member attended, and ordered for it a quantity of champagne, which was paid for by him and two of his supporters. Mr. Justice Willes held that this did not constitute treating, as the society was a non-political one, although it did include several electors. But he says (p. 614), "I am impressed with the objectionable character, to say the least of it, of any transaction by which an intending candidate may seek to ingratiate himself with electors, whether of his own side in politics or not, by profuse expenditure for luxuries. I must express the opinion, for I entertain it, that this is a questionable proceeding, and that it would be well if such proceedings were refrained from in future; the more so because no one but a man possessed of wealth could afford to expend 27 *l.* in a single evening on drink for other people."

That case was followed by the Bewdley case, which was tried before Mr. Justice Blackburn (19th "Law Times," page 676); when alluding to the word "corruptly," he says (page 678), "The interpretation of this word as explained, and in my opinion rightly explained, by Mr. Justice Willes, is not 'wickedly' or 'immorally' or anything of the sort, but embraces such conduct as it was evidently the intention of the Legislature to discountenance; where it is shown that even the smallest quantity of meat or drink is supplied, that is of course admissible as evidence of treating, but more than that would be required to make out a corrupt intention." Again, he says, "The evidence shows that nearly 20 public-houses were habitually kept open, and that whoever chose to present himself was supplied with drinks; where that is done it would be a perfect mockery to suppose that it was done without any corrupt intention."

In the present case the "Devonshire Arms" hotel was the only place where drink was supplied under circumstances that would amount to treating, as it did not appear that the drink consumed by voters in the public-houses was paid for or ordered by Mr. Weguelin or his agents. But, considering the extent of drink given at the hotel, and the frequent occasions on which it was given, I think that the foregoing observations of Mr. Justice Blackburn bear materially on the present case.

I may also refer to the Bradford case No. 1 (reported 19th "Law Times," page 719). It appeared that 115 public-houses were opened in that town, in which refreshments were supplied to all persons, whether voters or not, and that all voters who went there were made

Youghal.

nominal members of the committee, but had nothing to do; and Baron Martin says (page 721), "The learned counsel for the respondent has said that those refreshments were supplied to people who had done work, but the evidence is directly to the contrary; the evidence is to the effect that voters were admitted to those committee-rooms, the farce was gone through of putting down their names as committee-men, and refreshments were furnished to them whether voters or non-voters." Baron Martin also, in the second Bradford case, when giving an explanation of the grounds upon which he decided the previous petition, No. 1, against Mr. Ripley on the ground of treating, says (page 726), "The case against Mr. Ripley was that he had opened public-houses in the sense in which that is commonly and generally understood, that they were public-houses selected by him or by his agents, that rooms were allotted in these houses where people went every night if they liked; that a messenger was put at the door, or some person for preventing others from coming there than persons in some way connected with the house, and the people who went nightly to these houses went there to get drink, only limited by this, that it was to be given in reason, and that it was not to be given in excess." Mr. Exham also referred me to the Lichfield case; which I have looked at, but I do not think it bears much upon this question; but he also referred to the Westminster case as showing what, in the transactions that there took place, were the grounds upon which Baron Martin held that they did not amount to treating.

I have, however, already stated,* that I will reserve for the consideration of the Court of Common Pleas the question as to the meaning of the words "candidate" "at an election"; and if, upon further consideration as to the meaning and effect of the word "corruptly," having regard to the evidence in this case, I should be of opinion that there is any question of law respecting it which might properly be reserved for that court, before I decide that the giving of the drink at the hotels amounted to treating, I would also reserve it, as I think it desirable that if there be any such question it should be settled by some decision of the court instead of relying on observations that may be explained by the facts of the particular cases in which they were made.

What I have stated, of course, implies that, as regards the charges of treating, my judgment now on the result of the election is not final. As, however, the parties are here, I thought it would be a useless expense to postpone giving my judgment on the other parts of this case for the purpose of waiting for the decision of the Court of Common Pleas. The 12th section of the Act empowers me to reserve any question of law for the consideration of the court, and to suspend my certificate to the Speaker until the decision of the court upon the questions reserved shall be ascertained.

I have expressed what appears to me to be the contention of both parties for and against the construction of the words "candidate at an election," relied on by Mr. Butt. Further than that, I am not to be understood as expressing any opinion upon the subject; my opinion would be of little value, as the case is to go before another tribunal.

There are, however, some other matters on which I have to observe. A great deal of time was consumed with evidence as to the amount of the expenditure of Mr. Weguelin, which certainly was excessive; there are several items in that expenditure which I cannot avoid saying should not have been charged against him by those whom he employed. He states himself that he has already paid 4,200 £; Mr. Exham says the amount is something more, and there are further sums to be paid, taking into consideration the claims of Mr. Mooney, and the hotel bill, which would at all events come to some hundreds more; but even if the amount does not exceed 5000 £ such an expenditure cannot be regarded otherwise than as excessive. I think, however, that much time was uselessly occupied in this matter, as great candour and willingness were displayed by Mr. Weguelin himself, Captain Weguelin, Mr. Barnett, and the other persons through whose hands money passed, in accounting for its expenditure; every document and voucher in their possession that was called for appears to have been produced, and produced readily. I have been told that this great amount of expenditure should influence my decision upon the questions before me, and induce me to conclude that a portion of that expenditure was caused by bribery, but I do not assent to that argument.

I have been referred to what a very able judge (Mr. Justice Keogh) said in Dublin as to the amount of expenditure, and also to what has been said with regard to the amount of expenditure in other cases; but where (as in this case) the expenditure has been accounted for, and where, however improvident that expenditure may have been, it has been proved by those through whose hands the money passed that none of it was spent in bribery, then the extravagant expenditure affords no foundation whatever for the charge that any portion of this money was spent in bribery, or was expended in any other manner than what was proved by the witnesses whose evidence on the subject I see no reason to doubt.

I have been also asked to report to the Speaker that corrupt practices extensively prevailed in Youghal during this election. That I decidedly will not do; I think I should be doing an act of gross injustice to the people of this town if I were to make any such report; I see no ground for holding that there was any corrupt practice at this election except as to the drinks given at the "Devonshire Arms." [I confess I was surprised at the application, particularly when it is to be considered, as I have already remarked, that 78 cases of bribery were charged and that not one of them was substantiated. The 11th section,

* See subsequent judgment of the 20th of April.

section, paragraph 14, requires me also to report if any corrupt practices have been committed with the knowledge and consent of any candidate. Of course, if I ultimately decide that, upon the evidence and the true construction of the words "candidate at an election," these proceedings at the "Devonshire Arms" amounted to treating, I shall report that such treating was with the knowledge and consent of Mr. Weguelin himself. The manifest inference from the entire evidence is that he knew of those entertainments from time to time, and indeed he did not deny his knowledge of them. I may observe that, as regards the consequences to Mr. Weguelin, it is immaterial whether, as such treating was committed by himself or his agents, I should report that it was with or without his knowledge and consent.

That same section also requires me to report whether any candidate at an election has been guilty of corrupt practices. With regard to that there is some evidence before me that drink and other matters had been supplied by some of the supporters of Sir Joseph McKenna; but I am not aware at present that there is on the evidence any sufficient ground for me to report that such drink, &c., had been supplied either by Sir Joseph McKenna or with his knowledge or consent, or by his agents; I shall, however, further consider that matter.

There now remains one question as to which I shall express my present opinion, namely, as regards the costs. The award of costs is discretionary with the judge. Mr. Exham pressed very fairly a principle upon which I have acted myself, namely, that the fact of the defeat of a petition would not necessarily be followed by the petitioner paying the costs. On the other hand, I think that, in the event of the success of a petition, it does not necessarily follow that the petitioner should get his costs. There have been repeated instances in the House of Commons Proceedings before Parliamentary Committees where, although the Member was unseated for bribery or for treating, he was not condemned to pay the costs. I have already referred to circumstances which, I think, furnish grounds for the exercise of that discretion, by disallowing costs to the petitioner in this case, even in the event of the petition ultimately succeeding by the decision of the Court of Common Pleas. And, on the other hand, I think that, should the petition ultimately fail, by the decision of the Court of Common Pleas, there are reasons for disallowing costs to the respondent. With regard to the grounds for disallowing costs to the petitioner, it is clear, upon the evidence, that, so far as he himself is concerned, the question of costs is one of perfect indifference to him; that he is not responsible for the costs that are incurred; and that, in point of fact, as far as costs are concerned, the question may be considered as if this was the petition of Sir Joseph McKenna. I perfectly agree with Mr. Exham that, in deciding whether the election is void or not, by reason of corrupt practices, I should not have regard to the fact of Sir Joseph McKenna being the substantial petitioner, or to the indemnity for costs. Mr. Exham properly urged that the rights of the public are involved in inquiries of this nature, and that, no matter who brings the petitions forward, still, if it be a *bonâ fide* petition, it is the duty of the judge to consider whether the law has been violated or not. But, with regard to the costs, I am at perfect liberty to take into account the fact that Sir Joseph McKenna is alone the party who would be interested in getting the costs; and when I call to mind the conduct that has been pursued, not merely by the mob, but by his own son-in-law in taking part with them, as I have already observed; and when I consider the petition itself, the Bill of Particulars, and the great length to which this trial has been protracted by inquiries in support of charges which have failed, I think there are good grounds for exercising my discretion as to the costs by refusing petitioner his costs, even if the petition should succeed. My present impression is, that in any event of the petition, I shall let each party pay their own costs. That is my present impression, but I shall further consider the matter before I make any order on the subject, and if I see reason to change my opinion, I shall be at liberty to do so.

In conclusion I have to express my approbation of the order and good conduct which prevailed during the trial of this petition. I have also, however, to express my regret at finding that the election has been productive of such bitterness of feeling between the several parties in this town; and my hope that whatever the result of this petition may be, the bitterness of feeling will subside, that past acerbities will be forgotten, and that those who ought to be on terms of friendship and amity with each other will resume their friendly relations.

I believe that there is not any other matter upon which it is necessary for me now to pronounce any opinion. I have stated the conclusions at which I have arrived on all the matters which I have had to consider, except as to treating. No case can be laid before the Court of Common Pleas until near the beginning of next term; by that time I shall, on my return to Dublin, take care to have the parties communicated with by my registrar, and if I think it necessary to apprise counsel on both sides of the nature of the case to be submitted, I will have intimation given to their respective solicitors.

Youghal.

JUDGMENT of the COURT of COMMON PLEAS, *Ireland*, on the SPECIAL CASE submitted by Mr. Justice *O'Brien*, delivered 10th April 1869.

The *Lord Chief Justice*.] THE question in this case is a simple one, and, notwithstanding the length of the argument we have heard, not, as it occurs to me, one of much difficulty. By the 4th section of the Corrupt Practices Prevention Act, 17 & 18 Vict. c. 102, it is enacted, "Every candidate at an election who shall corruptly, by himself or with any person, or by any other ways or means in his behalf at any time, either before, during, or after, any election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision, to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person, to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting, at such elections, shall be deemed guilty of the offence of treating, and shall forfeit the sum of 50*l.*," &c. By the same Act, section 38, a certain definition is given of the word candidate at an election. By the 3rd section of the 21 & 22 Vict. c. 87, so much of section 38 of the previous Act as defined the words, "candidate at an election" is repealed; and it is enacted that "candidate at an election" shall include all persons elected to serve in Parliament at such election, and all persons nominated as candidates at such election, or who shall have declared themselves candidates on or after the day of the issuing of the writ for such election, or after the dissolution or vacancy in consequence of which such writ shall have issued. Now, if to ascertain the true construction of the 4th section of the Corrupt Practices Act, we substitute for the words "every candidate at an election" the above definition, the 4th section will read thus: "If any person elected to serve in Parliament at any election, or any person nominated as candidate at any election, or any person who shall have declared himself candidate on or after the day of the issuing of the writ for such election, or after the dissolution or vacancy in consequence of which such writ shall have issued, shall corruptly, by himself or by any person on his behalf, at any time either before, during, or after any election, commit any of the acts mentioned in the section, he shall be deemed guilty of the offence of treating." Reading the 4th section in this way, it will contain an express enactment that every person elected to serve in Parliament who shall corruptly, by himself or any others on his behalf, at any time, either before, during, or after any election, do the acts mentioned in the section, shall be deemed guilty of the offence of treating. To get rid of this obvious construction of the section, it has been suggested that we should read the section, as it is called, *redendo singula singulis*, and that we should hold that the words, "who shall have declared himself a candidate," are the only words applying to acts done at any time before the election. This we cannot adopt. We are quite satisfied that the rule of construction referred to, *redendo singula singulis*, does not apply to a case like the present, and that any person who shall be elected, or who shall be nominated, or who shall have declared himself a candidate, after the issuing of the writ or dissolution, who shall at any time, though before the dissolution, do the acts mentioned in the section, he is guilty of the offence of treating. If a party do the acts before the dissolution, intending to become a candidate, but does not in fact after the dissolution become a candidate, and is not elected, he cannot be guilty of the statutable offence of treating. But the respondent having been elected, is, in our opinion, guilty of the offence, though committed before the dissolution. We must so decide; and that his election is, therefore, void, under the 36th section of the 17 & 18 Vict. c. 102.

FINAL JUDGMENT delivered by Mr. Justice *O'Brien*, 20th April 1869.

Mr. Justice *O'Brien*.] THE announcement of my final decision as to the validity of Mr. Weguelin's election has been necessarily postponed till the determination of the questions which I submitted for the consideration of the Court of Common Pleas in the Case I sent to them shortly after my return from circuit. That Case has since been heard by the court, and I have received from their officer a copy of their judgment and determination on such questions.

The questions arose upon the facts proved at the trial with respect to the giving and providing of drink at the "Devonshire Arms" hotel, by respondent or his agents, to various electors of Youghal and other persons, on several occasions previous to the dissolution. As to these transactions, I was of opinion, upon the evidence, that the drink was given in order that respondent should be returned at the election, and for the purpose of promoting that object.

Mr. Butt (respondent's counsel) contended at the trial that inasmuch as the giving and providing of such drink was previous to the dissolution, then that same did not constitute

tute the offence of treating; and it may be convenient now to state in general terms the grounds on which he relied as establishing that proposition.

The 4th section of "The Corrupt Practices Prevention Act, 1854," defines what acts done by "a candidate at an election," by himself or his agents, constitute the offence of treating; and according to the definition contained in the interpretation clause of that Act (section 38), the words "candidate at an election," would include, amongst others, all persons who should have declared themselves candidates "at or before such election"; and if that definition were still in force, it is clear that Mr. Weguelin (the respondent) would, at the time of the giving of such drink, have been a "candidate at an election," within the meaning of the 4th section. That definition was, however, repealed by the 3rd section of the 21 & 22 Vict. c. 87, which gives another definition of those words. This latter definition includes all persons who should have declared themselves "candidates," "on or after the day of the dissolution, in consequence of which the writ should have been issued," but does not (as was done by the former definition) provide in terms that a declaration of candidature at any time before the election, whether before or after the dissolution, should render a party "a candidate at an election," within the meaning of the Act of 1854.

Mr. Butt contended that by reason of such alterations in the definition of those words, Mr. Weguelin, until the dissolution took place, was not "a candidate at an election," within the meaning of the Act of 1854; and that, accordingly, as he was not such when the drink was given, that act did not constitute the offence of treating, even supposing that it would have done so if it took place after the dissolution.

I observed in my judgment at the trial on the serious consequences that would result from adopting the construction of the Statute contended for by Mr. Butt, according to which a candidate would be absolved from all responsibility for acts which, though committed before the dissolution, might still be productive of the very mischief that it was the object of the Legislature to prevent. It is not necessary for me to refer to the arguments of Mr. Butt upon the construction of the Statute; it is enough to say that I declined to decide the question at the trial, as such decision, whether right or wrong, would have been final and conclusive on the parties, and I thought it more advisable to reserve the question for the consideration of the Court of Common Pleas, under the 12th section of the Parliamentary Elections Act of 1868.

Another question, affecting the charge of treating, was raised by respondent's counsel at the trial, namely, as to the meaning of the word "corruptly," which occurs in the beginning of the 4th section of the Act of 1854, that defines the offence of treating. It is, I think, clear, as I stated at the trial, that this word "corruptly" governs the entire of the section, and that in order to constitute the offence of treating, within the meaning of that section, the acts relied on as constituting that offence should have been done "corruptly." There was much discussion at the trial as to the meaning and effect of this word "corruptly." It was urged that when by Statute a certain act is made penal, if done corruptly, such a provision implies that the act *per se* is not necessarily corrupt; and I may observe that with respect to the meaning of the word "corruptly," as used in the 2nd section of the same Act (in defining the offence of "bribery"), Mr. Justice Coleridge, when delivering his opinion upon the questions put to the judges by the House of Lords in *Cooper v. Slade* (6th House of Lords Cases), states, in page 785, that "the Statute makes the operating motive in the mind of the party material," and adds that "the motive must be corrupt."

At the trial before me, Mr. Butt suggested that some interpretations might be put upon the word "corruptly," according to which he contended it should not be held in this case that the act of giving drink at the "Devonshire Arms" hotel was done "corruptly." But I stated at the time that the interpretations which he suggested were not such as in my opinion were warranted by the Statute. I had, however, stated during the trial that I would reserve for the Court of Common Pleas the question raised by Mr. Butt, as to the meaning of the words "candidate at an election," and at the close of the trial I stated my intention that if, upon further consideration, I thought there was any question of law as to the meaning of the word "corruptly," which might properly be reserved for the court, then that I would reserve such further question accordingly.

In some reports of my judgment I am represented as having said, without any qualification, that I would reserve for the consideration of the court, not merely the question as to the meaning of the words "candidate at an election," but also the question as to the meaning and effect of the word "corruptly." This statement, however, is erroneous, and must have proceeded from a misapprehension of what I said at the trial, as my intention of reserving any question of law as to the meaning and effect of the word "corruptly," was only in the event of my being of opinion, upon further consideration, that such question was proper to be reserved; and I believe it is in the recollection of respondent's counsel, as well as of petitioner's counsel that I expressed, in that qualified manner only, and not positively, my intention of reserving any such question. In point of fact, it was not stated at the trial what was to be the nature or form of such question, in case I should decide on reserving any as to the meaning or effect of the word "corruptly."

Before sending in the case to the Court of Common Pleas, I required (as I stated at the trial I would do) the attendance of petitioner's and respondent's counsel at a meeting to settle such Case; and I required their attendance not merely for the purpose of framing the questions with respect to the construction of the words "candidate at an election," but also for the purpose of conveying to them that, upon further consideration, I was of

Youghal.

opinion that there was no question which could properly be reserved for the court as to the meaning or effect of the word "corruptly" in the 4th section. At that meeting with counsel I accordingly stated to Mr. Butt the opinion which I had so formed, and it was not even suggested by him that I had made at the trial any unqualified or positive statement of my intention to reserve any question as to this word "corruptly." On the contrary, his recollection agreed with mine, that the effect of what I stated at the trial was that I would consider whether or not I should make any such reservation.

In the interval between the trial and that meeting I had fully considered the matter, and had come to the conclusion that upon the evidence in this case there was no question which could properly be reserved for the court as to the meaning or effect of that word "corruptly"; and even if I had, positively and without any qualification, declared at the trial my intention to make such a reservation, I would, upon further consideration, have felt myself bound not to act upon that statement. The existence of a corrupt motive in doing any act is an inference to be drawn from the evidence. With respect to such act, and under the Statutes of last Session for the trial of these election petitions, it is only questions of law that can be reserved for the court, and the judge who tries the case is the only tribunal to decide whether or not the existence of a corrupt motive is to be inferred from the evidence. With respect to the evidence as to the giving of drink at the "Devonshire Arms" hotel, the case is not confined to the entertainment given in the rooms upstairs. If it had, then, perhaps, the respectability and position of the electors who partook of it there to any extent, the fact of their being the pledged supporters of Mr. Weguelin, and the nature of the occasions on which it was given, might be relied on as showing that it was not given "corruptly," within the meaning of the Act of 1854, for the purpose of influencing their votes, or in order to promote respondent's election. But with respect to the drink given downstairs in the coffee-room and at the bar of the hotel, the case is very different.

It appears that on 14 or 15 occasions, during the few months preceding the election, there were meetings in the evening of respondent's supporters at Mr. Dill's committee-rooms, which had been engaged for respondent; that at the conclusion of such meetings great numbers of those who attended them used to go to the "Devonshire Arms" hotel, which had been also engaged for respondent; that such of those persons as were of a more respectable class went upstairs, but that considerable numbers of the humbler class, including several electors, remained below, and got drink from the bar upon their asking, but without paying for it.

It is unnecessary for me now to refer at greater length to the evidence on this part of the case, as I have observed on it more fully in my former judgment. It is sufficient to say that, considering the occasions on which such drink was given, the class of electors who partook of it, and the frequency of such proceedings, and having regard, also, to the observations of the judges in the several election cases in England, which were referred to in my former judgment, I came to the conclusion that this giving of drink must be considered as having been done in order to promote respondent's return, and as having been done corruptly. I therefore framed the case and questions for the court in accordance with that opinion; and, from their determination of the case, it follows that I should report to the Speaker that Mr. Weguelin was not duly returned at the election, but that such election was void, and that Mr. Weguelin was by his agents guilty of the offence of corrupt practice of treating at said election. I shall also, in pursuance of the Act of last Session, further report that such corrupt practice of treating was committed with the knowledge and consent of Mr. Weguelin. I stated at the trial that if those proceedings at the "Devonshire Arms" hotel should be held to amount to treating, I should report that such treating was with his knowledge and consent; and it was not, indeed, disputed at the trial that those proceedings were with his knowledge. He was examined at the trial, but was not questioned as to the fact, and there was nothing in his evidence to rebut the presumption of such knowledge and consent, which clearly arose from the entire evidence in the case.

I stated also at the trial that I would not report the extensive prevalence of corrupt practices at the election. I am still of the same opinion, and I shall accordingly report to the Speaker that, from the evidence at the trial, it did not appear to me that corrupt practices extensively prevailed at said election, and that there is not, in my opinion, reason to believe that corrupt practices extensively prevailed at said election.

The only other question of which I have to dispose is that important one as to the costs of these proceedings. I stated at the trial that my impression then was that whatever would be the ultimate result of the petition, I would let each party abide his own costs; and I stated also, in my judgment, the several reasons which then induced me to come to that conclusion. I stated, however, that if I saw reason to change that opinion before I made an order on the subject, then that I should be at liberty to do so. In consequence of this reservation, and as the question of costs could not be formally decided till the result of the case submitted to the Court of Common Pleas was ascertained, I acceded to the request of Mr. Heron, on the part of the petitioner, that I should hear him on that question; and, accordingly, there was a meeting before me some few days back on the subject, attended by counsel for both parties. In considering this question of costs, it is important to observe that, so far as the petitioner himself is concerned, the question of his being awarded the costs is a matter of perfect indifference to him. It appears upon the evidence that he is not himself responsible for them to his solicitor; that he has been indemnified against them by Sir Joseph McKenna, who is to pay his solicitor the costs, and

and who is, in fact, the only party who would benefit by having costs awarded against the respondent.

Youghal.

It is true that, for the purpose of deciding the validity of the election, the petition is to be regarded as that of the petitioner, and that the question as to the validity of the election should not be affected by the fact of the petitioner having been indemnified against the costs; but, as far as regards the question of costs, I think that, from the fact of such indemnity, I am at liberty to decide the matter as if Sir Joseph McKenna was himself the petitioner. One of the reasons which I mentioned in my former judgment for the opinion I then stated as to the costs, was the fact that, by the bill of particulars, specific charges were made of the bribery of 78 different electors (the entire number that voted on both sides being only 233, of which 127 voted for Mr. Weguelin, and 106 for Sir Joseph McKenna). By that Bill of Particulars also Mr. Weguelin is charged with personal bribery in all those cases except one; and various other persons, nearly 40 in number, were also charged as bribers. None of these charges were proved, and as to several of them no evidence whatever was given, and no attempt made to sustain them. And it appeared to me that these numerous and unfounded charges were either inserted for the purpose of baffling inquiry by the number of cases about which inquiry was to be made, or were inserted at hazard, without any reasonable grounds, and with a complete indifference as to their being well-founded or not. With respect to this Bill of particulars, Mr. Heron contended that the large amount of respondent's expenditure on the election, and particularly the amount of the sums paid for watchers, and for goods and clothes given to the poor, afforded reasonable ground for inquiry, and for charging that such several payments were not *bonâ fide* made for those purposes, but were colourable, and were, in fact, made for the purpose of bribery. I do not, however, concur with Mr. Heron in thinking that the insertion of so many charges of bribery could, to the extent he contends for, be ascribed to or considered as justified by the amount of such expenditure and payments. I was satisfied at the trial that the orders given for goods and food to the poor could not be relied on as acts of bribery, and I have no doubt that proper inquiry on the subject would have shown those acting for the petitioner that they could not be so relied on. With respect again to the case of watchers, the expenditure for that purpose cannot be relied on by Sir Joseph McKenna as justifying the charges of bribery against all by whom they were employed, when it clearly appears on the evidence that the employment of these watchers for the protection of Mr. Weguelin's voters, was rendered necessary by the violent conduct of the partisans of Sir Joseph McKenna, and by the threats made use of by some of those acting for him. I would also refer to the evidence of Mr. Deunehy, the resident magistrate, from which it would appear that the employment of those watchers contributed in some degree to the tranquillity of the town upon the day of the election.

But the insertion in the Bill of particulars of these numerous and unfounded charges of bribery was only one of the reasons which I assigned for not giving petitioner the general costs of these proceedings.

This question of costs, as I have already stated, is to be considered as if Sir Joseph McKenna was himself the petitioner, and therefore the conduct pursued previous to the election by those acting for him may well be relied on as disintitling him to such costs. I need not repeat what I stated in my former judgment as to the course of procedure adopted by Sir Joseph McKenna's supporters, from the beginning of Mr. Weguelin's candidature, the reference made by Mr. Hodnett to what the Rev. Canon Murphy was to do, the active part taken by Canon Murphy and his curates against Mr. Weguelin, the very strong appeals made by them to their congregations on the subject, the threats held out by other supporters of Sir Joseph McKenna against Mr. Eastway, Mrs. Donovan, and others of Mr. Weguelin's friends, the subsequent assaults on Donovan and his wife, and the attacks upon their and Mr. Eastway's houses, at the latter of which Mr. O'Connor, the son-in-law of Sir Joseph McKenna, was present. These were the circumstances which, in addition to the numerous charges in the Bill of particulars, and to the increased expense of the trial caused by their insertion, induced me at the trial to form the opinion that even in the event of petitioner succeeding in setting aside the election, I would not give him the general costs of the proceedings. I may also observe that, with respect to the large expenditure of Mr. Weguelin on the election, which is relied on as one ground for making him liable to costs, it does not appear what was the amount of Sir Joseph McKenna's expenditure, as he had not, up to the time of the trial of the petition, lodged the detailed statement of his expenses, as he was bound to do, by the 26 Vict. c. 29, s. 2, within two months from the election, under a penalty of 5*l.* for every day beyond that period that he delayed doing so. And this default on his part should also, I think, be considered in deciding his right to costs.

With respect to the decisions already made as to the costs of these petition proceedings, it has been held as a general rule that the costs should abide the result, though the 41st section of the Act lays down no such rule. That section gives the judge who tries the case full power and discretion as to the award of costs, and it is clear from it that in every case the judge is at liberty to consider whether there are exceptional circumstances in the case which, in his judgment and discretion, render it advisable not to give costs to the successful party.

That discretion has been exercised in some cases in England by refusing, on special grounds, to give costs to the sitting Member, though he had successfully defended his

Youghal.

seat, and defeated the petition; and I see no ground on principle, why, in the converse case of a petitioner succeeding in setting aside the election, such discretion may not be exercised under the special circumstances, by refusing petitioner his costs.

It frequently happened in the proceedings on election petitions before Committees of the House of Commons previous to the recent Statute, that costs were not given against the sitting Member, though unseated for bribery or treating. But Mr. Heron contends that in all the trials that have taken place in England, under the recent Statute, costs have been given against the sitting Member whenever he was unseated for corrupt practices. He has referred to the Norwich case, the Bradford case (No. 1), the Bewdley case, and other cases in England, in which the sitting Member was unseated for bribery or treating, and had to pay costs, and also to the Taunton case, in which he was unseated for bribery, and had to pay costs, though the petition contained over 300 charges of bribery, and only 30 were proved. But in none of those cases did it occur, as in this case, that the award of costs to the petitioner would be for the benefit of the defeated candidate, whose supporters had, previous to the election, pursued the course adopted by the supporters of Sir Joseph McKenna in this case, and to which I have already referred.

I therefore remain of the opinion which I expressed at the trial as to not ordering the petitioner the general costs of these proceedings, with the exception of the costs of arguing before the Common Pleas the case which I submitted for their consideration; I reserved that question for the court at the instance of respondent's counsel, and I think it reasonable he should pay the petitioner's costs of that argument.

DROGHEDA ELECTION.

Drogheda.

JUDGMENT delivered by Mr. Justice *Keogh*, 19 January 1869.

Mr. Justice *Keogh*.] To this case of the Drogheda Election Petition I have given the most anxious consideration in my power. The parties have been represented here by counsel on both sides of the very greatest ability, and everything that could by possibility be urged upon the one side or upon the other, has been presented in the fullest and in the fairest manner to the court; therefore the parties have no reason whatsoever to complain that their case has not been, in evidence and in argument, fully developed so as to arrive at a just and satisfactory conclusion.

Since the court sat yesterday evening, I have taken the trouble, most anxiously and most carefully, of going over the entire of the evidence in this case, and I have given it the most careful consideration that I possibly could, with a view of arriving at a just determination, both as to the matters of law and as to the matters of fact, which were presented to my mind by the counsel upon both sides.

The petition substantially consists of, I think I may say, three clauses, containing charges against the sitting Member. The first clause to which I refer, is the third in number, which states, "That upon several days preceding the election, addresses and speeches of an exciting and inflammatory nature were delivered in the public streets of Drogheda, by Mr. Whitworth and several other persons, in his presence, and with his knowledge and consent, for the purpose of urging and inciting a number of persons to use force in order to intimidate and prevent the electors from voting for the petitioner." The fourth clause alleges, that "A large number of men and women were hired by the said Benjamin Whitworth, or with his knowledge and consent, for the purpose of intimidating electors, in order to induce them to vote for the said Benjamin Whitworth, or to refrain from voting for the petitioner or Mr. Brodigan." The fifth clause alleges, that "Several members of the Roman Catholic priesthood improperly exercised their spiritual influence over many of the electors, for the purpose of constraining them to vote for Mr. Whitworth, and to prevent them from voting for the petitioner or for Mr. Brodigan." The seventh clause, which is the most important of all, says, that "Upon the 20th of November 1868, being the polling-day, several thousand persons, friends and supporters of the said Benjamin Whitworth, armed, some with fire-arms, and others with bludgeons and sticks, attacked voters who wished and had promised to vote for the petitioner, and inflicted very severe wounds and other bodily injuries upon them, and forcibly prevented many of them from recording their votes, and also attacked a large escort of cavalry, infantry, and police, who were acting as an escort for the protection of voters, and caused such terror and alarm in the minds of the electors, that many who had promised to vote for Mr. Brodigan, and some who had promised to vote for the petitioner, were induced by intimidation to vote for Mr. Whitworth; and many of the electors who had promised to vote for the petitioner, and had come long distances to do so, and were most anxious to do so if they could, without risk of their lives, were deterred from going to the poll and recording their votes." The eighth clause is, "That the offence of undue influence at the said election was committed by the said Benjamin Whitworth, and a great number of other persons with his knowledge and consent; and that an organised system of intimidation and violence was established by the said Benjamin Whitworth and his friends and agents, and that the said Benjamin Whitworth

Whitworth could at any time have restrained the rioters from acts of violence if he had been willing to do so."

Drogheda.

Those are substantially the charges in the petition. The petitioner does not by that petition claim the seat; he merely prays that the election may be declared a void election; and he seeks to avoid that election by trying to establish a breach of the well-established principles of law, namely, that an election should be a free election; that it should be the result of the free voices of those who are qualified by law to register their votes, and that those voters, to be free, must be uninfluenced either by any undue pressure, coming from whatever quarter it may, or by spiritual influence, by mob rioting, by bribery, by treating, or by violence. If any of those influences are admitted to have their way at an election, the voices of the electors cannot be freely given. And whether it be one or whether it be many, whosoever, being an elector, is acted upon by any one of those illegal influences, his vote is not a free vote given at the election.

One of the best established rules of freedom of election is, that the electors shall come to the poll perfectly free as they are registered, that they shall not themselves accept bribes, that they shall not be treated, that they shall not be coerced, and that they shall not be intimidated; and if, as regards any single vote, it is proved to the satisfaction of the court that any such voter has been so acted upon, it is the imperative duty of the court to resolve that that is not a good vote. I am taking it now step by step; first, as to the question of avoiding an election. There may be many votes declared to be bad votes; there may be men bribed at an election; there may be men treated at an election; there may be men coerced at an election; but it does not necessarily follow that, because of those circumstances, the election itself is void. But I take it to be well settled law, not only settled by a chain of decisions of Committees of the House of Commons, but decided also collaterally in cases in which such questions were brought before the superior courts, that an organised system of bribery, that an organised system of treating, will invalidate an election, and compel the court (whatever it may be) trying the question to declare that to be a void election. Surely it could not be for a moment contended that supposing, in a borough of this description, banks were to open their doors, to let it be understood and known that every man who voted in a particular way would receive a sum of money, that large amounts were deposited for that purpose which you might never be able to trace to the candidate, or to any one of his agents; but yet you would be able to prove that there was an organised and extensive system of bribery carried on in the borough, an election under such circumstances could be allowed to stand. Take, then, the case of an organised system of treating. I am speaking now of cases in which nothing could be traced to the candidate or his agents; but suppose that at the head of every street food and drink were provided in large quantities, and places for eating and places for drinking opened, as to which it was known that every voter who wished to go thither and seek for food or for drink would receive it, provided he was a voter upon the side of a particular candidate, and that that was an organised system for the purpose of debauching the voters of a particular borough, although all the while not traceable to the Member or to his agents, so as to disqualify him at future elections, is it to be supposed for a moment that that organised system would not defeat the election? I take it that it is well settled that it would do so, and that there is no possibility of contesting that proposition.

Now, I refer to a case in which probably as much indulgence was shown to the sitting Member by a Committee of the House of Commons as in any case which is to be found within the whole range of the authorities; that is the well-known Dungarvan case, in which the present Sir Joseph Napier, afterwards Lord Chancellor of Ireland, was the Chairman of the Committee. There the Member was declared duly elected; but what does that learned Chairman say? "Two great principles," said the learned Chairman, "were always sought to be maintained; first, that the election should be free; secondly, that the character of the candidate should be pure in regard to that election. It is very material to distinguish between acts by which an election may be avoided, and the misconduct by which the candidate may be disqualified. It is justly observed by Mr. Rogers, in the seventh edition of his work on Elections, that there are usually two distinct issues; first, whether the election has been procured by bribery or other undue influence; and, secondly, whether the sitting Member has been guilty by himself or his agents; this second issue being subordinate to the first. He states that the second issue is usually entered into with a view to incapacitate the sitting Member from becoming a candidate, supposing the election should be declared void. On such an issue it becomes the very essence of the inquiry to show that he was cognisant of the corruption; for the object being to fix upon him a personal incapacity, strict proof may be well demanded to show that he was implicated in the transactions complained of. The avoidance of an election depends upon the effect of all acts done which interfere with the freedom required by law. The disqualification of a candidate arises from his culpability in what he does, or causes to be done, or attempts to do, for the purpose of procuring a return by undue influence. These matters are in their nature distinct, and ought not to be confounded."

Now, again, I recur to the words, "The avoidance of an election depends upon the effect of all acts done which interfere with the freedom required by the law;" and, acting upon that well-settled view of the law, Mr. Pales yesterday, in his most able and eloquent address, did not seem to me to contend that an election might not be avoided by an organised system of bribery or an organised system of treating, but he most properly said, "You may have a vote struck off the poll, and the voter incapacitated,

Drogheda.

without unseating the sitting Member." So, undoubtedly, you may have many voters declared incapacitated and struck off the poll upon a scrutiny, without disqualifying the sitting Member, or unseating him. So, in like manner, for treating, you may have many votes similarly dealt with without unseating the sitting Member. But again, I say, if the aggregate of those instances amount to what may be called an organised system of bribery, or an organised system of treating, pushed to such extremities as to convince the tribunal which is deciding upon the case that freedom of election has not existed, then that election ought to be and will be avoided, although it may not have the consequence of disqualifying for a future election the sitting Member.

Mr. Palles, in his very clear and astute argument, assimilated intimidation to bribery and treating, but; at the same time, tried to limit the consequences of acts of intimidation, and he used a very remarkable phrase, that "it must be the communism of intimidation." Now, I adopt that expression, though probably it is not a strictly accurate expression; but to my mind it conveys a great deal; and the way in which I accept it is this, that to put intimidation upon a parallel with bribery and treating, it must be spread over such an extent of ground, it must permeate through the community to such an extent that the tribunal considering the case, and ultimately to decide upon it, is satisfied, if it be so, that freedom of election has ceased to exist in consequence. If that be the case, I, for my part, see no distinction between the law as to an organised system of bribery, an organised system of treating, and an organised system of intimidation.

This distinction was taken, before some Committees of the House of Commons constituted as they were, that intimidation however extensive it might be, unless it had a substantial influence upon the fate of the election, could not result in the election being declared void. And Mr. Palles with the great industry which he always shows, and which assures me that everything that can be said upon his side has been brought forward, mentioned a number of cases, and particularly, I think, referred to the Roxburgh case, which may be considered a leading case upon the subject.

Before I comment upon this case, I will say one word as to the whole class of those decisions before Committees of the House of Commons. In the first place, the law of Parliament has only grown up on the subject of these elections within say two or three centuries, and the decisions which have been made upon these questions of Election Petitions were, at all events until within that period, entirely unknown to Courts of Justice, and for obvious reasons. First, there was not this conflict about elections in earlier times. At one period in our history it was a labour to induce any one to be a Member of Parliament in many places. They had not to drive the voters to the poll, but sometimes the candidates had to be driven to Westminster; that is not the case now. Secondly, there was a very jealous spirit on the part of the House of Commons, of even the Courts of Law trenching at all upon their privileges. And some of the most eminent judges whom we ever had, said it would be rather a serious thing to have anything to do with the privileges of the House of Commons, or to say one word as to the manner in which their Members had been elected. Coming down to 150 or 200 years ago, we first discover a trace of authority upon the subject, but it is only within a very recent period; that is to say, only within the last 80 or 100 years, that those decisions have found their way into reported cases. This case of the Roxburgh Election, receiving as it did almost all the antecedent decisions, was argued by some of the most eminent Parliamentary lawyers that ever appeared at that bar. I allude to Mr. Austin, who was perhaps the most eminent advocate who ever argued before Committees of the House of Commons. After reviewing those authorities (I believe it is stated in the notes that these cases had been very carefully examined, so as to insure their accuracy even in the arguments of counsel), Mr. Austin thus sums up the result of all these cases:—"In the Reports of Perry and Knapp are to be found collected cases of riots, beginning with the year 1624, and ending with the Coventry case in 1827. Among them are only two instances in which the election was not set aside. The Pontefract Election in 1624 was set aside. The Southwark Election in 1702 was set aside, though several witnesses swore that they never knew a quieter election. Three Coventry Elections in 1706, 1722, and 1736; two Westminster Elections in 1722 and 1741; the Pontefract in 1768; the Morpeth in 1774; the Coventry in 1781; and the Nottingham in 1802, were all set aside on account of riots. The Coventry Elections in 1827 and in 1833" (Coventry appears to have earned for itself rather an unenviable notoriety) "are the only instances of petitions not being successful where riots have been proved." And then Mr. Austin goes on to explain why he thinks even that the late Coventry decision is not an authority, because he says, that before the Committee came to the conclusion of the inquiry, it appeared that the petitioning candidates, "Mr. Tyler and his colleague, abandoned the contest, and retired without any reference whatever to the riots, and consented to the return of the sitting Members without any protest against the validity of the election." But notwithstanding the very able argument of Mr. Austin, Mr. Palles very properly said, and relied upon the fact, that this Committee in the Roxburgh case arrived at resolutions, showing that riots had taken place, but still allowing the sitting Member to hold his seat. Now it appears upon the resolutions of that Committee, "That it appears to this Committee, that at the late election for the county of Roxburgh, riotous and tumultuous proceedings took place, in consequence of which, according to the evidence produced before this Committee, prosecutions were instituted in the Justiciary Court of Scotland, upon which prosecutions certain of the offenders were convicted. That the Committee are of opinion that the riots were not of such a nature, nor of so long a duration, as to prevent the votes of the electors

electors of the same county of Roxburgh being taken in the matter of such election." That was their decision. And the basis of this decision is, that although there were riots, yet they were not of such a nature, or of so long a duration, as to prevent the votes of the electors being taken. But even that resolution was not arrived at unanimously by the Committee. On the contrary, the minority of the Committee moved that the election should be declared null and void by reason of the adjournment and premature close of the poll at Hawick, whereby the electors of that district were deprived of *a portion of the period* allowed by law for the exercise of the franchise. And that proposition on a division of the Committee was negatived by six to three, the Committee consisting of nine members. And the resolution arrived at was only on the ground that the interruption of the poll or "the riots were not of such a nature, nor of so long a duration as to prevent the votes of the electors of the same county of Roxburgh being taken in the matter of such election." Accordingly it was held that the sitting Member should retain his seat.

Let me say one word as to the Election Committees of the House of Commons. No man has a greater respect than I have for everything appertaining to the House of Commons. It is the greatest happiness and pleasure of my life that I once had the honour of being a Member of that great assemblage. No one can possibly have a greater respect than I have for Committees of that House, and for their decisions. I have myself sat on Election Committees, and know something therefore of their practice, but with all the respect which I feel for those Committees, they were not composed of men who had received a strictly legal education. Occasionally there was a legal gentleman on the Committee, and sometimes a lawyer was the Chairman, but generally speaking the majority of the Members of those Committees were persons who did not even pretend to be capable of deciding upon legal questions. It is not necessary that I should repeat that when I say this, I mean not the slightest disrespect to Members who ever sat upon any Committee of the House of Commons. But the House of Commons itself, as a component part of the Legislature, has declared by a legislative enactment its own opinion, namely, that those Committees were not the best tribunals for the decision of questions of this kind, and it has abdicated its own functions in that respect, and has sent such questions to be tried before the ordinary tribunals of the country.

The distinction to which I was referring may be illustrated in the following manner:— Let me suppose that 50 men were shot dead (if the argument is worth anything, it must be pressed to that) outside this court-house upon the 21st of last November, every single man of them coming up with Sir Leopold M'Clintock's ticket in his hand, from his tally-room, to register his vote on his behalf, every one of their lives might be taken away, and yet that being admitted, and proved, and conceded, the election should still not be declared a void election. That is the proposition, because by the very able argument of Mr. Beron, seconded and enforced, and losing nothing of its weight, but as I think gaining as it went along by the admirable argument of Mr. Palles, it is contended that provided the sitting Member has, at the close of the poll, a majority of registered electors, be it ever so small (and I lay no stress upon the circumstance that it was here of the very smallest, because in the view I take of this case it is not to be decided by mere numerical calculations), then no matter what happens outside that; no matter how many electors are assaulted; no matter how many are driven from the polling-booths; no matter how many men are hunted through the fields, and obliged to go by devious ways and across paths, in order to get back to their homes, or to the conveyances which are to take them to their homes; no matter how much blood has been shed; no matter how much spiritual intimidation has been brought to bear upon the electors; still if the candidate who is returned upon the day of the polling by the high sheriff is able to take his pen and say, there are 1,000 electors on the register for the borough of Drogheda, my seat cannot be in any way endangered, or the election declared null and void, because I have polled, no matter by what means, 501 electors. To be of any value the argument must be pressed to that, unless (which is an impossibility) the other candidate can show that he, but for the violence which was used, would have had a majority on the day of the poll.

I must at once say that that is a proposition from which I wholly and entirely dissent. It is subversive, in my mind, of the whole principle of freedom of election; and if freedom of election is subverted, in vain do you extend franchises, in vain do you confer privileges, in vain do you strive to enfranchise the people; because the greater and the more extensive are the privileges that you confer, if they can only be exercised under intimidation and undue influence, I care not whether it be lay or ecclesiastical, under violence of any kind, or seductions or blandishments of any nature, the sooner will the liberties of the people be subverted.

Again, it is said by both of the counsel for the sitting Member, that freedom of election is secured, provided that the majority are shown to have had the power of recording their votes. I deny that altogether. This is not solely a contest between Mr. Benjamin Whitworth the sitting Member, and Sir Leopold M'Clintock the petitioner. There is another and a greater interest than belongs to either of them; there is the public interest. The liberties of the people of this country are involved in the freedom of election; and I say that the humblest individual, the poorest unit in the whole of the constituency of the county of the town of Drogheda, has as good a right freely, without fear, without favour, without intimidation of any kind or description, to come into this court-house upon the day of the election as the richest man upon the register, and as good a right as the great majority of that constituency. Take it that a candidate has by the most legitimate

Drogheda.

means, without any injury whatsoever being inflicted upon any one, without any coercion, without any bribery or treating, obtained the votes of nine-tenths of the constituency in his favour, yet it is of vital importance to the public weal that the remaining tenth should be able to record their votes and to express their opinions. How often, and for how many long tens of years, have we seen the minority of the country trying to cause their opinions to prevail in Parliament; and how long have we seen them borne down by the majority, and in some instances rightly so. But in other cases the good sense of the minority has ultimately prevailed, if it was the better cause; and what was the minority has become in the end a triumphant majority, and the principles of the minority have been asserted. But if the majority are not only to be able to choose their representative, but having the strong arm with them, are to drive from the very hustings the minority who are seeking, though unavailingly, to make their opinions triumphant; if they are not only to send their own representatives to Parliament, as of course the majority must do, but if they are to drive by terror and with ignominy, with scorn and with denunciation, the minority from the poll, what becomes of freedom in this country? If such a principle as that were to prevail, it would take us back to a time when there was what was called a republic in Rome, and when men who came up to express their opinions were driven from the Roman Forum with brands and swords, and death. The Roman citizens were not allowed to vote, and then that terminated, as all such proceedings will terminate in every country in the world, in freedom itself becoming a disgrace, and the mass of mankind rushing for protection into the arms of some despotic authority or order.

That is the proposition that is put on behalf of the sitting Member. It is alleged that he had the majority of the whole constituency, namely, I think 365. There were some of them who gave evidence, whose names I can presently recall, who said that they would have voted otherwise, but for intimidation. Men absolutely came up here, and swore that they had promised their votes to Sir Leopold M'Clintock, and that they would have exercised the franchise in his favour, "If I had been protected," was the expression used by one man; "but he was afraid of his life," was the expression of another. Take away those two or three votes (though I say again that I attach no value to the numerical argument, as I call it), and even that sorry argument disappears, namely, as to having a majority of the constituency.

Then it is said, how is the party to show that it did not influence the election? The petitioner should prove that it did. First, you are to obtain a majority by violence, by intimidation, and by undue influence; and, having then so got a majority, you are to turn round on the other party, and say, "You are in the minority, and you must show that the mind of each voter that composed that majority, so as to place me ahead of you, has been influenced by this intimidation. In the case of bribery it might be hard, if there was an extensively organised system, to trace it to each individual voter; and on the case of treating detection would be still more difficult. But even there you have something to lay your hands upon; you have money, you have food, you have drink, but who is there that will venture to gauge the influences of intimidation? Who will say how far that reaches? Who will be able to tell what the effect of intimidation is upon the human mind? It is true that you may prove that a man has been told, standing outside the Court-house, "If you go in and vote for Sir Leopold M'Clintock your brains will be dashed out." That will show that that man has been intimidated; but will any man say that if there are half a dozen voters standing by whilst that same observation is made, the influence of that threat, directed specially against him, will not operate upon them? How is the limit to be fixed? How is the influence of intimidation to be traced? I will put a case which I am sorry to say is not an imaginary one. Supposing that a minister of religion were to say to an individual voter, "If you do not vote in a particular way, and if anything should happen to you, between this time and the time at which you should reach your dwelling-house, your immortal soul, your salvation, will be perilled," who is to say what would be the extent of the influence of that observation, proceeding from the mouth of a minister of religion, upon the whole of his congregation? It is not possible to give evidence in a court of justice which would carry out the proposition which has been laid down by the counsel for the respondent here; and if at all it is to be made a matter of evidence, the *onus* of proof should be thrown upon them to show that when the law has been violated, when gross outrage and intimidation have been organised, that intimidation and that violence have not produced their natural consequences, namely, terrifying the people from the exercise of their legitimate franchise.

That is my view of the law, and I hope it is a correct one. I am sure that I have approached the subject with as anxious a consideration as ever man gave to a case, carefully jealous as far as I could be, that I did no injury either to the sitting Member or to the electors who chose him as their representative; but also feeling it to be my imperative duty to see that the public interests were not disregarded in this inquiry, if I arrived at the conclusion that there had been acts committed which were calculated to destroy the freedom of election.

Now, let us come to the facts of this case; they do not range over a very long period of time; Sir Leopold M'Clintock came late into the field. A question has been raised as to when he came into the field, or why he came into the field, but it is sufficient to know that he came into the field; every man has a right in this free country to be a candidate. Every person has a right in this free country to vote for any man he likes; I do not enter into Sir Leopold M'Clintock's qualifications, or his position; I have nothing to do with his qualifications or with his position, or with those of his

honourable

honourable opponent. It is said that he came because there was an unworthy attack made upon the sitting Member as to his conduct in another place in the discharge of his duty under the solemn obligation of his oath; I do not feel that I should be justified in passing that by, without expressing the greatest disgust at that attempt which I believe no gentleman could avow, and afterwards ask to be admitted into the society of gentlemen. Mr. Whitworth, I make no doubt, did his duty as an honourable man, acting under the obligation of his oath; a painful duty it was, no doubt, to him; but I am quite satisfied that wherever he goes no honourable man will ever turn aside from him, because he so discharged faithfully his duty, and only the lowest of society and the basest of men could ever have thought of bringing such an accusation against him; Sir Leopold M'Clintock's counsel have disavowed his being a party to those proceedings. I am perfectly satisfied that it did not require any disavowal from any person of the community who was actuated by manly and honourable feelings.

The 13th of November was the first day of Sir Leopold M'Clintock's canvass, that was a Friday. His first witness, Mr. Cairns, who is, I believe, a brewer in this town, and I suppose a person of some influence, canvassed with him, and says that at first they were well and respectfully received, and that there was no incivility. On the Monday they attempted to canvass, and then, he says, the whole character and appearance of the place was changed, and they were immediately met with insults from the mob. Now to that I call particular attention; they were immediately met by a violent mob, and that very mob, Mr. Cairns says, closed upon him, and tried to throw him down, very near this court-house; and then there is this remarkable circumstance, which has not been much commented upon, but which I take to be the opening of the whole of this inquiry. In that mob were two solicitors, one of them Mr. Clinton, and the other Mr. Verdon; one of them, Mr. Clinton, turns out to have been the conducting agent of Mr. Whitworth, and he was in that mob, and as Mr. Cairns says, was countenancing that mob; and Mr. Verdon, who was another solicitor, and who was in company with the conducting agent for Mr. Whitworth, used these remarkable words, "We will have no Orangemen here." Can it be said, for a moment, that that was not inciting the mob, and countenancing the violence of the mob, Mr. Cairns himself being attacked by the mob upon that occasion? If that was in any way highly coloured by Mr. Cairns, I will be glad to know why Mr. Clinton was not put into the chair to explain that occurrence? Mr. Clinton has sat in this court during the whole of this inquiry, properly assisting his counsel, and I have no doubt, though I do not know his appearance, that Mr. Verdon was within reach also; yet although this evidence was given by Mr. Cairns, denoting the character of the very commencement of these election meetings, three days have elapsed since the commencement of this inquiry, the case of the respondent being conducted by the most able counsel, who had that evidence before them, and neither Mr. Clinton nor Mr. Verdon is called to explain, in any way, that transaction; what the result of that mob attack was, has been described by Mr. Cairns; that Sir Leopold M'Clintock and his supporters held a consultation, and came to the conclusion that it was utterly impossible for them, with safety to themselves or to the peace of the town, to continue their canvass; that was on Monday the 16th.

It is said that the whole of the rioting at this election was caused by its coming somehow or other to the knowledge of the people of this town, upon the subsequent Thursday, that some telegraphic message had been sent, or that some call had been made in Dublin to bring down some Orangemen here on the part of Sir Leopold M'Clintock; it is perfectly plain that this idea and this method of conducting this contest arose long before that, because on the Monday (and there is not a pretence for supposing that there had been any hint of the kind as to bringing men from Dublin until the Thursday) Mr. Verdon and Mr. Clinton being both together in the presence of a violent and excited mob who assaulted Mr. Cairns; one of the principal supporters of Sir Leopold M'Clintock used that identical expression, "We will have no Orangemen here," and Mr. Cairns was accordingly assaulted. He gave an account of that assault, and he appealed, as many of the witnesses did, to persons present who could have corroborated or contradicted him; he turned round, sitting in that chair, and said, "I think Mr. Gardner, the sub-inspector of police, was present at that time." Mr. Gardner, a gentleman of the highest possible character, and who is respected by everybody who knows him, could have been called; his being in the constabulary, so far from protecting him from liability to examination, places him at the disposal of the parties to say what he knew about it; but he has never been put into the chair.

On the Tuesday, Mr. Cairns says, it became hopeless to canvass, from the state of the town. Wednesday is the day of the nomination. Now I am not at all strait-laced about the noise and the confusion of a nomination day. Most of us have had experience of such things, and as to the disturbance, and not being able to hear the voices of the candidates, I think it is looked on as a sort of saturnalia, and if it does not proceed to outrageous violence the less we say about it the better. But what takes place? After all this violence, and all being so contrived that nobody could be heard, which I believe is the normal state of a nomination, how is the poll demanded? It is stated by Mr. Cairns that, when all was over here, in this court-house in which we are now sitting, he met outside the respected high sheriff, who gave his evidence, in my opinion, clearly and satisfactorily and fairly, and who, I see no reason to doubt, did act as a gentleman in the whole of these transactions. And what does the high sheriff say? "Who is the person that proposed, or did any one; second, Sir Leopold M'Clintock, and has any one asked a

Drogheda.

poll for him?" This was after they had left the court-house, and were out in the passage. Such is the confusion that even the high sheriff, the returning officer, has to apply to a voter to know whether a poll has been demanded. "At all events," says Mr. Cairns, "I now demand a poll, to put it beyond doubt;" and the high sheriff then says, "All right."

That is the day of the nomination, and then there is an intervening day. I do not refer now to the statements made before this time about speeches and other things done upon the Sunday. Mr. McKenna, a man who, I think, was an active supporter of Mr. Brodigan, but who did not ultimately vote, swore he did not vote for Mr. Brodigan, for fear of his life. He may, without intending to speak an untruth, have highly coloured what was passing before him or in his mind; but he used a very remarkable expression; he said, "I don't want to say anything about names or persons, but," addressing me, he said, "on the Monday morning a reign of terror existed in this town." That was his very remarkable expression. He described that he was told by men armed with bludgeons that it would be the last vote he ever gave if he voted for Mr. Brodigan; he was told that his premises would be burnt, I think he said; and two miniature coffins were laid before his door. Accordingly, he does not vote, although he appears to have been one of the most active men in bringing forward Mr. Brodigan to contest the place. That is a very remarkable circumstance; he absolutely does not vote at all, he himself being a man in the better class of life, and a sturdy and powerful man in his physique, and an intelligent man, according to his lights, from the way in which he gave his evidence. He says, "I don't want to say what occurred on a particular day, but on the Monday morning a reign of terror prevailed in this town."

Now we come down to the eventful day, the day before the polling in this place. Mr. Whitworth is staying at a particular hotel, which I think is called "Simcock's Hotel," and on the evening of this day the people outside are addressed from the window or the verandah (as some of the witnesses called it) of that hotel. Beyond the possibility of doubt it is established that there were a number of Roman Catholic clergymen in that room upon that evening. We have the shorthand writer's report of what passed, and with the exception of one single word no one insinuated that he has misrepresented anything there. So far as Mr. Whitworth is concerned, he, I must say, gave his evidence throughout, as it appeared to me, with the greatest wish to be candid in every way to the Court, however serious the inquiry may be to him, and in a manner that I think was creditable to him, but there is no question at all about the accuracy of this Mr. McCabe's report. What are the statements made upon this evening? The first gentleman who speaks, and who I think is the Reverend Mr. Murphy, as distinguished from the Reverend Dr. Murphy, said, "He would advise them seriously to be fully prepared, for the Orange party in Drogheda were anxious and panting to crush them. He never wished any man to do wrong, but he must again call on them to be prepared, for the Drogheda Orangemen had secured the assistance of 500 of their brethren in Dublin. Those Catholics who are on the side of the Orangemen must be put down; they must be crushed at any risk. They should therefore be well prepared for them, for it was a terrible crisis;" that is the first speaker; then comes the address of the next gentleman, the Reverend Mr. McKee, and he said "the Orangemen of Dublin were on the next day to come down to Drogheda; if those men should come, let them hurl them into the Boyne. Let the people meet them in the morning at the train, and give them a warm reception." The first gentleman says that "The Catholics who are on the side of the Orangemen must be crushed at any risk," and then the next gentleman says, "Let them hurl the Orangemen into the Boyne; let the people meet them in the morning at the train, and give them a warm reception." Again this passage occurs: "He advised all who heard him to bring their friends to the poll, to marshal their forces early in the morning, and when they were about to charge, say, 'Friends of freedom, charge them home; foes of freedom *faugh-a-ballagh*,' which we all know is 'Clear the way.'" Then again he says, "The would-be Catholic Member, Mr. Brodigan, and Orange emissaries from hell, had come among them at this critical juncture; he advised the people to be faithful in following the advice of their clergy." This is another clergyman, the Reverend Mr. Gavin: "Yesterday, in the City of Dublin, some of the friends of ascendancy in this town hired 300 assassins to come down and butcher the Catholics of Drogheda. He asked them would they meet them; he assured them, on the word of a priest, that what he said was a fact, that some party in favour of the Orange candidate here went to Dublin and purchased the tag-rag and bob-tail of Orangedom to come down and butcher them to-morrow, and he did not want the people of Drogheda to treat those hirelings as they deserved." Now Mr. Gavin has himself been examined; and he says that that report is substantially correct, with the exception that he says something about "Despising them," which is not reported here, and that is the only word in which an alteration was suggested. That speech was heard by Mr. Whitworth; he says he was present at the concluding sentences of Dr. Murphy's speech. Dr. Murphy's speech preceded the Reverend Mr. Gavin's, and Mr. Whitworth says that he considers, having heard it read, that that report of the Reverend Mr. Gavin's speech is substantially correct, and Mr. Gavin himself says the same.

Now Mr. McKee is the first person who called upon them to go to the station to meet these so-called Orangemen at a particular hour of the morning, and to throw them into the Boyne; Mr. McKee on examination has stated that he and all his fellow-clergymen here had very great influence with the people; no doubt they had great influence with the people, and they ought to have great influence with the people; the reasons for that influence

influence have been spoken of in language which I could not attempt to imitate without greatly taking from its effect, in the most eloquent and generous words which were pronounced by Mr. Plunkett in this case; words worthy, I will say, of the eloquence of the illustrious man from whom he is descended. Now, what takes place? The crowd outside say (and this is admitted), "We will, father, meet them;" it is proved distinctly that they cried this out from the crowd. But by whom is this conduct to be judged? Ultimately, in this court, I am to decide upon it; but in whom has it found a judge before it has come into this court? Why, in the person of the Reverend Mr. Powderley, a Roman Catholic clergyman of this town, who being then and there present on that evening, felt that the thing was altogether too strong; that it had gone beyond all latitude; that it had become positively dangerous, even to the cause in which they were themselves enlisted; and he tells us here, and it is highly to his credit, that he rushed forward, and twice or three times remonstrated with his brother clergymen, and tried to stop their uttering those addresses to the people; there can be nothing stronger than the fact, that a reverend gentleman of the same community, living in the same town, acting in the same cause, anxious for the same interest, felt upon that occasion that the speeches of those gentlemen had exceeded all bounds, and that they were calculated to do injury to the very cause which they were anxious should be triumphant? But what takes place the next morning. At half-past eight o'clock, at the very earliest time, I have the best and most conclusive evidence as to what was the state of the railway station; down came Mr. Hamilton and some two or three voters by the early train, which came from Balbriggan, I suppose, not from Dublin, and they wanted to go up the town to vote; there was a resident magistrate there, Mr. Reed, who had with him a number of constabulary and a number of soldiers; and that experienced gentleman, I suppose, knowing that it would be his duty to escort and protect persons going to the poll, absolutely tells the gentlemen who had arrived at that early hour of the morning, that they could not with safety go up to the town (not a thousand yards, I believe, from where I now sit), and that he would not undertake to bring them down until he had largely increased the escort which he was to have there to meet the train arriving at 12 o'clock; but that when he had doubled and trebled his force, when he had the hussars, when he had an additional force of infantry, and when he had an additional force of constabulary, he would escort them to the town: to complete the whole "pride, pomp, and circumstance of war," nothing was wanting but that there should have been a park of artillery. Mr. Hamilton is anxious to get up the town and to get away as quietly as possible, and to vote as early as possible; and actually the resident magistrate, who must stand independent between all parties, says, "I will not undertake the risk of taking you to the town," and begs Mr. Hamilton to wait until he has an increased escort; that evidence is uncontradicted in this case in all its material passages, and even if it were contradicted, I would rely in balancing the evidence (and here I must act not only as judge but as jury) upon the testimony of that gentleman, Mr. Reed. He said that he could not escort those voters up, and as a matter of fact, they were not escorted up until the other party had arrived; to what then took place I shall have to refer in more detail in another branch of the case. Mr. Hamilton is with those four men whose names are Semple, McDonald, Usher, and Devine; Semple appears to have been a man of a better class than the rest; probably he felt that he had friends in the bystanders, and that he was known; at all events, he goes up alone and votes for Sir Leopold McClintock, and does so in safety; it is an extraordinary circumstance; McDonald disappears, no one knows how or whither, but he got back home in some way, and did not vote; Usher and Devine remained with Mr. Hamilton; Mr. Hamilton is said to be the agent over the property on which they live; it is said, on the other hand, that there was tyranny established over those voters; that may or may not be, but so far as the evidence is given here, it does not go very far, because the letter by which those voters were canvassed is produced; I do not doubt that Sir Leopold McClintock would prefer not to be so highly lauded in the letter as he was; he is no doubt a very eminent and remarkable man, but he is described as "the leading man in Europe," or in similar language; but perhaps a little exaggeration in election times is not to be wondered at; he is a very eminent man indeed, of whom this country is justly proud. Mr. Hamilton says, "Sir Leopold McClintock is going up for the borough of Drogheda, and you will oblige me by giving him your vote;" he gives them half a sovereign to go up to Dublin to amuse themselves with, and on the morning of the election they are here with Mr. Hamilton at the station; they being here Mr. Whitworth arrives on the scene, and so does Mr. Clinton, who, mark, was identified with the very first violent mob that was acting in this town, and who is the conducting agent of Mr. Whitworth; Mr. Whitworth is up with his conducting agent at the station, when it is surrounded and filled by an admittedly most violent mob, because it must have been violent, as it intimidated Mr. Reed, the resident magistrate; they are armed with sticks; they are armed, as one of the clergymen, Mr. Moreton from Lismore, I think, told us, with railway bolts, those joining bolts about a foot long, to which nuts are attached, by which two rails are laid together and joined, and they are flourishing these weapons. I can picture to myself the scene, the men holding those dreadful weapons outside the walls of the station, and calling to those gentlemen and to the constabulary, either to let them in at the voters or to let the voters out to them, and that they would provide for them; and whilst this scene is going on those two voters are appealed to by Mr. Whitworth, and to one of them (I think to Usher) Mr. Whitworth says, "For whom will you vote?" The crowd being round them in this way, and at the same time two or three iron bolts being held up in his face, Usher says, "I will vote for

Drogheda.

you," and he has come on the table since and said that he did it to save his life; the moment he says that Mr. Whitworth says, "Come along here." I do not mean to say with any criminal intent as to coercing this man, but he takes him away, and he is immediately hoisted upon the shoulders of the people, and they carry him off to Mr. Whitworth's tally-rooms; he declares that he went to vote for Mr. Whitworth, but he never voted for Mr. Whitworth; that was a most remarkable circumstance. What takes place with Devine? "For whom do you vote?" he is asked, and he replies "I will not vote for anyone;" and Mr. Whitworth, according to his own statement, leaves that place, but almost instantaneously, as Mr. Hamilton and Devine describe the scene (and their description of it is entirely uncontradicted), that mob, in which two minutes before Mr. Whitworth and his agent, Mr. Clinton, were in close contact, seize this man Devine and drag him away, as he says himself, and put him on a car; six men get up, three on each side, and instead of this man, who we are asked to believe willingly went on the car, being placed on the side of the car, he is thrown on his back on the well cushion; and so carried up to Mr. Whitworth's committee-rooms.

Now, is that freedom of election? Can it be said that either of those men had his freedom? Of what avail is it to them to have the franchise if they are not to exercise it? It is said that if they had not a landlord they would vote the other way. That may be so; I cannot search the recesses of their hearts; I cannot know whether they would or would not do so; but all I know is that they had a right to vote, and that according to their own solemn swearing, which is uncontradicted as regards Devine, and corroborated as to the fact as regards Usher and Devine, they were both in the committee-room of Mr. Whitworth, and they never did vote for him during the whole of the election. Mr. Whitworth himself says that he, who heard at the station from Devine that he did not wish to vote for any one, and who says that the moment that he ascertained from a man that he did not want to vote for any one, he declined to attempt to influence him in any way to vote; when he afterwards saw them in his tally-room, said to both those men, "Have you voted?" Now Mr. Whitworth himself says that Devine told him he did not want to vote for any one. Must it not have crossed the mind of Mr. Whitworth as an extraordinary circumstance that he should find that man in his tally-room shortly afterwards? The only way in which Mr. Whitworth can be relieved from all the consequences of that transaction is by supposing that when he turned round at that moment at the station, those lawless persons put that man on a car and carried him off, he saw nothing of those transactions. He says he did not see him, and I believe him; but there was near him at the time his conducting agent. This is no case of a canvasser or of a messenger; but here is the conducting agent, who had been in contact with that lawless mob on the Monday evening, present at the railway station, with a mob brought together by the exhortations of the clergymen on the previous night, counselling them to go down to crush the Orange Catholics at any risk, and to hurl the others into the Boyne.

What takes place after this? The other men come down from Dublin, and are they mere units as regards this constituency? I observe, in going through the evidence, that the names of 18 persons are given (though I cannot now carry them all in my memory) out of 40 whom the officer says that he had to escort up to the court-house. That military gentleman, Captain Daunt, who was very clear in giving his testimony, behaved with singular humanity. But for his forbearance under the greatest provocation, his own life being in danger, knocked down at one time speechless and unconscious, as he described it, I have no doubt whatsoever that there would have been an enormous loss of life in this town. The men, as described yesterday by one of the clergymen, were shaking with agitation; they had their rifles loaded, cocked, and brought to the level. Just fancy the desperate danger that those people are incited to undergo! Who could venture to say that even the remonstrances of a British officer would be sufficient to restrain a man with a loaded rifle cocked in his hand, shaking with agitation? for that is the graphic description given by one of those very clergymen. Captain Daunt says that he formed his men, and that he had 40 voters, he thinks, to conduct to the poll. Mr. Hamilton says there were over 30; he gave the names of some 17 or 18; and he said if he had time given to him he thought he could put down a great many more. Of course it is quite right that counsel should raise every objection as to the number of men, but I have no doubt that every man who went into that hollow square was a voter. What else would bring him there? Is it to imperil his life? Before they arrived at the terminus the station-master runs down a hundred yards, and says, "Are you voters? If you are voters take care of yourselves! Look sharp, and get into one carriage, for there is great danger."

Is that freedom of election? Who are those persons? They are persons in a very superior rank of life. That does not give them a better right to exercise the franchise than the humblest man in the community, but at all events they could not be supposed to be coming there under any coercion to vote for Sir Leopold M'Clintock. They are persons of position in society; they are not accused of having had bludgeons; they are not armed; they have not taken any precaution. The only case of a revolver that was mentioned was in the hands of one of the rioters; and I make no doubt that every man that went into that hollow square that morning was a voter, and that every one who found himself there believed himself to be in imminent peril in order to exercise the franchise which the Legislature had conferred upon him. The officer says, "Keep your men up together, and I will form my men;" and how does he form them? Literally as if he was proceeding into an enemy's country! First there is the troop of Hussars; then there are the 9th Infantry, of whom I think the officer said there were 64; then there are cavalry on the wings,

wings, all described in full military phrase. "I covered my rear," he says, "with the Royal Irish Constabulary, and let into this hollow square some 35 or 40 voters," no inconsiderable number at all.

This case has been spoken of as if half-a-dozen men were prevented from voting. The whole constituency numbers 750, and there were from 30 to 40 of them coming up to represent their opinions. Mr. Hamilton says there were 35; but Captain Daunt said he believed he had 40 voters in charge. When the party advances, stones, glass, iron hoops, and iron bars are flung at them; one officer said that the air was thick with weapons flying about in every direction; everybody was struck. One of the Roman Catholic clergymen said here, that he saw but one person bleeding. Why did he see but one person bleeding? Because they all fled in every direction, and took refuge and sought protection wherever they could find it. Was that the only time that the voters were attacked? It was proved to us by Mr. Cairns, that early in the morning, when the voters were coming from the tally rooms, the mob were striking them over the bayonets of the constabulary.

But to continue as to the party of 40. They advanced down this narrow way; the soldiers are all struck; at length Captain Daunt, trying to get to the front, receives one heavy blow on the side, which he says stunned him, but he did not fall; he rallies his men, but he is struck on the side of the head by another stone. Her Majesty's troops, on the requisition of the magistrates, are sent to escort the voters, three officers being in command—Captain Knox in command of the Hussars; Captain Daunt in command of the whole party, and another officer, Captain Jephson. Cavalry, Infantry, and the Royal Irish Constabulary, all are disorganized and knocked about; there is not the slightest respect for authority in any shape or form, and all this was to get at 35 or 40 gentlemen who had committed the dreadful crime of coming down here to exercise the franchise which the laws of the land had given them.

They approached the Bull Ring; one gentleman is struck on the head with, I suppose, about as bad a weapon as ever was hurled from human hand, the butt end of a quart bottle; two Hussars and their horses are tumbled down. How are they tumbled down? A chamber is thrown from a window in the street at one of those horses, and he tumbles, and falling he brings down his comrade who is next. I protest the account appears to me to be more like that of a town taken by storm, than of the exercise of the legitimate privileges of persons calling themselves freemen. What takes place then? As generally happens in these cases, a shot is fired, and an unfortunate man meets his death; and I will be glad to know how the individuals who excited those feelings, not now, but at another time, will reconcile it to themselves that they urged those persons to go up to the railway that morning, and by so doing sent that man to an untimely end. There stark and stiff lay that man upon the bridge, and then the Hussars re-formed; Captain Talbot, the resident magistrate, not called by the sitting Member, though I saw him here in court, at length gives the order to the cavalry to charge, and then the officer says that the rioters fled in every direction, I think he uses the expression, "like rabbits in a warren." Then the infantry rush up at the double, and that scene, as described opposite the court-house, took place. Then the very clergymen who the previous night had exhorted the people, and called upon them to go down to the railway station to be prepared to meet those men, and to crush at any risk the Catholics who dared to support, as they said, the Orange candidate, who called upon them by express terms to go down there, canvassing from the front window of the hotel in which Mr. Whitworth was stopping, come out, and what do they do? One of them raises his hat and calls upon the people to follow him, and he says that, obedient to that tremendous influence which the Catholic clergy exercise, they followed him as one man instantly, he taking them away from the military; for what reason? Because he says he saw the military with their rifles cocked and loaded, and their bodies trembling with agitation, and he did not know but what disastrous consequences would follow. Am I to say that that is freedom of election?

Then what took place with regard to those voters? Some of them are in the Bull Ring, some of them are in the tally-room, some of them come into the court-house, I believe, and some go away altogether. Mr. Filgate, a respectable gentleman, a member of the Bar, who fills the office of secretary to the Lord High Chancellor, comes down from Dublin to register his vote; he is struck on the head; he gets a fearful blow on the head from a man who had a bar of iron in his hand; he is knocked down, and he escapes out of this town, taking good care to avoid all the public ways, getting up to the railway by walking across the lattice bridge, commonly known as the viaduct, over the Boyne; and another gentleman does the same. It is argued that all that is true; but, after the man was shot, and after the clergy drew away the people to protect them from being shot, "At one or two o'clock in the day," says Mr. Whitworth, "I myself went wherever I heard there was a voter who was likely to register his vote against me, and I absolutely offered him my protection, with the high sheriff or somebody else, to take him up to the poll." The whole of that evidence had a most powerful effect upon my mind in the opposite direction to that which it was doubtless intended to produce. Did ever any one hear in a legitimately conducted election, where there was freedom of election, of a man coming and canvassing against himself? Did anyone ever hear of a committee of one candidate going and suggesting to voters in the other interest to come up and poll? "I will give you an escort," says Mr. Whitworth; and can any man say he believes that voters who come from great distances, as one gentleman did, 160 miles at least, from Clew Bay in the west of Ireland to Dublin, and another who came from Waterford to

Drogheda.

Dublin, whom the Queen's troops, cavalry, infantry, constabulary, magistrates, the whole civil and military power that could be organized in this town, were not able to protect, would be safe in coming up to the poll even with Mr. Whitworth? But if that be so, and if the gentlemen who offered to bring voters up to the poll (Mr. Chadwick was one and Mr. Gradwell was another) had the power of doing what all this military authority could not effect, what is the natural logical conclusion? Why, that the whole of the people of this town were obedient to their nod, and that they could call them off from violence or encourage them on to it at any moment exactly as they thought would best suit the interests of their candidate, and that they only offered this protection when, awaking to a sense of what had been done, they saw that no such election could be declared free, and that every election must be declared void, in which such an intolerable infraction of the liberty of the subject had taken place.

To my mind the whole of that shows better than any evidence to what a state this town had been brought, and how the dreadful transactions which had taken place operated upon the minds of the persons who were most anxious for Mr. Whitworth's return, when they absolutely went about the town canvassing every man who was supposed to be in the interest of his opponent to come up and register his vote in order to take out of his mouth afterwards the right to say that he had not an opportunity of doing so. I say, if stones are thrown, and shots fired, and bottles hurled, amongst persons coming up to register their votes, they are not bound again to risk their lives in coming to the poll; and if they do not risk their lives they are not precluded from coming before one of the authorised courts of the country to say, "It was not a free election, in which we could not have registered our votes without imminent peril to our existence."

After that the town remains perfectly quiet. This case has perhaps called up as many witnesses as ever were called before a court of justice in a case of this kind; 55 witnesses have been examined, 17 or 18 of whom were examined yesterday for the sitting Member. They have proved that the town was perfectly quiet after that time; I dare say it was. Shortly afterwards it became perfectly quiet; but it is said that from the early morning there was not the slightest hope of Sir Leopold M'Clintock's return, and that Mr. Whitworth felt that there was no election at all, and that he was as certain of being returned as he was of his own existence. I shall presently refer to transactions with which unfortunately Mr. Whitworth has connected himself, even long after that occurrence, most clearly showing to my mind that there was an impression amongst the parties managing this election, that it was possible that this election would go against them, and that, therefore, not trusting to their own intrinsic strength, they are led to do acts which are utterly irreconcilable with freedom of election.

In one case Sir Leopold M'Clintock asked Captain Talbot to give him an escort for the men back to the train; this is after the man was shot, and the troops were withdrawn, and after the people were carried off, I think the clergyman said, to the Whitworth Hall; when Sir Leopold M'Clintock asks Captain Talbot to give him an escort to take the men back, what is the answer of Captain Talbot, even at that time? He declined to do it; he said, "I think it is better to remain until dusk." Such was the impression, even at that time, on the mind of the resident magistrate, who, being here, could have been called, if that were not the fact, to contradict or explain it. He said, "Although I am bound to give you an escort to protect you, still it is better, in my mind, for you to remain here until dusk." Some of them did go back under his protection, and they were very thankful for it. What became of Dr. Breedon? I think it was Mr. Whitworth who came down to protect him up to the poll, and the man was unable to come; he had by that time been carried to bed.

But the whole of this doctrine, that freedom of election consists in the freedom of the majority, is, I say, subversive of the rights of the electors, is contrary to the laws of the land, and is irreconcilable with common sense. Who knows how many voters were induced by terrorism upon that morning to vote for Mr. Whitworth? How can it be told how many were influenced by seeing that the other party were driven out of the field and had not a chance? Did not Mr. Whitworth himself use that very argument to induce voters to poll for him, namely that he had a considerable majority over his opponent? What did he say to Usher and Devine when they were in the tally-rooms? He does not say to Devine, "You said you would not vote for anyone, and I do not want you to do so;" but he makes use of the observation, that they could do without him. They go away in every direction; they see blood streaming down, gores of blood on the railway station, men's heads broken, and one venerable old man, Colonel Fairclough, is described as a gentleman with his white hair streaming down, covered with clots of blood. Dr. Breedon is desperately wounded, and unable to come up. The poor soldiers must stand every sort of treatment: if they disobey their officers they are liable to be punished by military law and brought before a court martial, and they have to undergo the severest penalties; if they obey their officers, they are liable to be tried if any fatal occurrence takes place if they fire unless for the protection of their own lives, or to prevent a felony. Thus they are liable to be punished by both laws, the civil and the military. What was their language while standing there protecting the Queen's subjects? "Are we to be murdered?" "Flesh and blood cannot stand this!" "Are you going, sir," (addressing their officer) "to leave us here to be murdered?" Was that a mere effort of the imagination? There were 64 infantry there, and it is proved that 51 muskets out of the 64 were seriously injured by the shower of stones and weapons flung upon them; four officers and 14 men were badly wounded. One (Serjeant Campbell) is seriously

seriously ill even now while I am trying the case, and has never since been out of the hospital. The officer in command of the infantry, as I said before, was knocked down and rendered unconscious. The cavalry charge, and then the mob fly in every direction; there is no more heard; the agents are withdrawn from the booths, and two or three voters come up after that to poll for Sir Leopold McClinton. The rest do not. Some of Mr. Brodigan's voters do not come forward at all; they do not appear at the hustings, but remain at home and do not stir out; and at the end of the day Mr. Whitworth is declared duly elected by a majority of the whole constituency of the free and independent electors, as I suppose we must call them, of the borough of Drogheda.

I am bound to say that was a void election; I cannot avoid saying there was no freedom of election, and I shall certify to the Speaker of the House of Commons that that election was void and that Mr. Whitworth was not duly elected.

But I shall be obliged to go further. Mr. Whitworth has given his evidence, and, as I have said, given it candidly; but if Mr. Whitworth chooses to place himself in the hands of parties who have no discretion, who set no limit to their doings, and who think they can carry with a high hand everything before them, he has to blame himself if he is a sufferer by it. I have said that I declare this to be a void election; that does not affect Mr. Whitworth with any penal consequences; but I am sorry to say that I cannot pass through this inquiry without coming to a resolution which is very penal to Mr. Whitworth. There is one transaction at the station which, in my mind, has not been cleared up, but which remains in all its details, as far as I can see my way to it, established, and that is the case of Devine. If it stood merely upon the case of Usher, Usher, from whatever motive it may have been, having declared to Mr. Whitworth that he was going to vote for him, I would not have seen my way to have come to a conclusion that Mr. Whitworth had exercised any undue influence over that man, because he had in all probability a right to say, "He has declared to vote for me and therefore I am justified in taking him away." But the case of Devine stands upon entirely different grounds; Devine said he would vote for no one. Mr. Whitworth turns away; his agent, being as far as I can see, there present, and immediately this man is seized by the mob; he complains to Mr. Hamilton; he is torn away from him, Mr. Whitworth himself having been in some sort of altercation with Mr. Hamilton. Mr. Hamilton says Mr. Whitworth struck him; Mr. Whitworth says he shoved Mr. Hamilton, or pushed him, on the hand. At all events, the man is carried away lying on his back on a car on the well cushion, and is taken to Mr. Whitworth's committee-rooms; and there, afterwards, Mr. Whitworth finds him. The first question he asks him is, "Have you voted?" Having been informed by the man that he did not want to vote, and being told that he would rather not vote, Mr. Whitworth, says "We can do without him." That is an hour after that dreadful occurrence at the bridge. In my humble opinion, that has not been explained by Mr. Whitworth.

There is another case to which I must also refer, and that is a case which, to my mind, remains unshaken. I refer to the evidence given here by Kelly. Kelly says that he intended to vote for Sir Leopold McClinton; Kelly says he came out on that day for the purpose of voting for Sir Leopold McClinton; he was visited, I think he says, by Father Matthews in the morning; he came out afterwards to vote, and he is in the street, where Father Matthews says to him, "Have you voted?" "I have, sir," he said, there being, as he says, a number of persons all about. "For whom have you voted?" asks Father Matthews. "I have voted for Whitworth," replies Kelly. Father Matthews himself admits that, not believing his statement, and being interested in knowing the truth, he absolutely went into the booth to ascertain whether or not this man had voted for Mr. Whitworth, and that he came out and said (these are his words), "You are a great rascal. You have told me a lie; you did not vote for Mr. Whitworth." He denies that he said anything further to Kelly; and I am quite willing to give him credit that he did not, or that, if he did, he forgot what he had said. But the fact remains unchallenged, that the man told him he had voted for Mr. Whitworth, and he comes out and says, "I called him a rascal" in the presence of the mob; "and I said, 'You have told me a lie.'" Father Matthews says that he did not desire the mob to hold Kelly; but he is held, beyond all doubt, and he is next found in the polling booth. Does that depend upon the evidence of Kelly alone? On the contrary, the check clerk in the booth, Mr. Edward Townley Hardman, says "The man came up in the custody of several persons, there being three clergymen with him, who appeared to me to be coercing him to vote, and the man refused to vote." Kelly himself says that he claimed the protection of the "judge in the court" (that is, I suppose, the sheriff's deputy), and asked him was he to be compelled to vote, and the sheriff's deputy said, "No." Then Kelly leaves the booth and goes downstairs, where those clergymen are with him, and Mr. Whitworth is with those clergymen downstairs. That is proved by Hardman, and by a person of the name of Iddon. He went downstairs, and he passed them, and both those men, Hardman and Iddon, distinctly declare that they heard the word "hell" used, and that they heard one man caution Kelly about losing his bread, he being a baker in the town. The man himself supplemented the testimony of those two witnesses, and he says, "I was taken down there, and one of the clergymen" (he says a Christian Brother) "told them 'Let him go; there is no use in saying anything; but if anything happens to him between this and the time he reaches his house, he will be in hell in five minutes,'" or something of that kind. Mr. Whitworth is at that time in company with the Rev. Mr. Powderley, the

Drogheda.

Rev. Mr. Doyle, and with Mr. O'Donnell, who is not a clergyman, but who is described as being a Christian Brother, and who is dressed as a clergyman. The man says, and Mr. Whitworth doesn't contradict him, that Mr. Whitworth said to him, "Kelly, why will you not vote for me? You know my principles, and I have a large majority at this hour"—there again making use of the majority, which might have been obtained by this very violence and intimidation, to induce this man to vote. That was after the outrage; certainly after the morning outrages, though perhaps not after that dreadful scene at the bridge. But Mr. Whitworth admits that he said that. The man says that what was said was, "Why do you not do as you are desired, or told, or bidden by your clergy?" Now there are three witnesses, Kelly, Hardman, and Iddon, deposing to the use of the word "hell" by some one in that party, in that booth, or in the hall leading up to that booth. This man, having been before in another part of the street or of the town, challenged by Mr. Matthews, and first told he was a rascal and had told a lie, and then having been carried off to the booth, and having had to claim the protection of the deputy sheriff, is taken down and told there what I have already stated, Mr. Whitworth being there present at the time, I cannot arrive at any other conclusion but that Mr. Whitworth is responsible for that transaction; and being so responsible for that transaction, without going further now into the many other minute circumstances of the case, I must arrive at the conclusion that Mr. Whitworth did make those persons who so acted upon that occasion, and those persons who were so engaged with him at the Railway Station, without going at all into the question of constructive agency, his agents, for the purpose of coercing Devine, and for the purpose of coercing Kelly.

Therefore, I come to the conclusion that Mr. Whitworth, within the meaning of the seventh section of the Act of Parliament, has been, by himself and his agents, guilty of undue influence as regards those two men, and I mean so to report to the Speaker of the House of Commons.

That being so, it is not necessary for me to go at any very much greater detail into the case. There has been conflicting evidence as to matters of a very minor description; but I look at the broad facts of this case, and I ask myself, has there been freedom of election in the county of the town of Drogheda? I say at that election there was none. My attention was called to the circumstance of there being other petitions for the county of the town of Drogheda, in which Committees of the House of Commons had come to resolutions that gross violence and intimidation had taken place in the town of Drogheda at previous elections, and had yet not unseated the sitting Member. I am satisfied that in this case there has been gross intimidation and outrageous violence, and I shall declare that the law is not to be violated with impunity.

I have therefore arrived at the following Resolutions:—

1. That Benjamin Whitworth, Esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough and County of the Town of Drogheda.
2. That the last election for said Borough and County of the Town of Drogheda is a void election.
3. That Benjamin Whitworth, Esquire was, by himself, and by his agents, guilty of undue influence as regards two electors, John Devine and Michael Kelly, at the last election for the said Borough and County of the Town of Drogheda.
4. That a system of intimidation was organised and carried out at the last election for the said Borough and County of the Town of Drogheda, subversive of the freedom of election, and outrages were committed which were calculated to deter, and did in fact deter, a considerable number of voters from exercising their franchise at such election.
5. That the costs of the Petition be paid by the Respondent.

GALWAY TOWN ELECTION.

JUDGMENT delivered by Mr. Justice *Keogh*, 3 March 1869.

Galway Town.

Mr. Justice *Keogh*.] WE have now at length arrived at the end of this very protracted inquiry, and my first duty is, as it is also my pleasure, to thank the gentlemen of the Bar upon both sides for the great assistance which they have afforded me through the whole of this inquiry. They were led on both sides by gentlemen of great experience and matured wisdom, and I am bound to say that the subordinates and the leaders upon both sides were fully equal to the occasion, and make one justly proud that the position of the Bar at the present day in Ireland is in no respect inferior to that which it occupied at any period in our memory.

I for my own part rejoice most sincerely that this is in all probability the last election petition that I shall have to try. For weeks on weeks we have all been engaged in the discharge of these arduous duties, and it is known to all that only by working very frequently 10 hours a day have I and my learned colleagues in other parts of the country been able to discharge those duties; and even now, unless by that extraordinary labour, I should not have been enabled to open the Queen's Commission in another province and another county, to which I am hastening this day, and where I scarcely hope to be able to arrive in time.

However, as I have said before, the Legislature has thought proper to impose upon us this most arduous and most painful duty, and I for one have performed it without any murmur, not regarding the very certain consequences which I knew would follow upon the faithful discharge of duty in this country. Satisfied from the very first that I should be exposed in doing so, not from one side or the other alone, but from both, to the perhaps not unnatural irritability of those persons in higher positions, whose status has been altered by our decisions, and still more offensively to the attacks of that lower tribe, upon whom you may have conferred a momentary notoriety by drawing them from the corruption on which they battered to the light of day.

I have been addressed in very impassioned tones, not in the slightest degree improper, but yet I say impassioned, by the counsel on both sides. My learned friend, Dr. Seeds, who has for the first time appeared, I believe, in the discharge of professional duties in this part of the country, at the close of his most able address, adjured me to discharge my duties fearlessly, and called upon me to rescue this, which he called my native town, from the disgrace of being handed over as a nomination borough to the clergy of this part of the country. On the other side, I was reminded by my learned friends there that at one time it was the highest pleasure of my life to have been a participator in the councils of the nation in my capacity as a Member of the House of Commons, and I was adjured by all the recollections which I had of that great assemblage, not prematurely to mar the ambition of the two representatives whom I now see before me, who have been chosen once, twice, and another once to be the representatives in Parliament of this ancient borough. It is true that I read my earliest lessons in this town. They were not lessons of servility. It is true that on this circuit I practised for many years, and I think I can say that it was not my habit to turn from the direction of my duty, because of any fear or apprehension whatsoever. I have done my utmost to keep myself clear in this inquiry from any influence, and I candidly confess that I have not had to struggle so much against any apprehension that any unworthy fear could reach my mind of any authority whatsoever, lay or ecclesiastical, no matter how high it may be, as against that of which I was in my heart conscious, namely, the impatience I have ever had of any dictatorial dogmatism, no matter from what quarter it may address itself to me. I should struggle, and I should see that no feeling of that kind prejudiced the cause of either of the parties. To me all the gentlemen engaged in this election are alike. I have had the honour and pleasure of knowing them all; some for a longer, and others for a shorter period. I allude of course to the representatives for the borough and to the gentleman who is the unsuccessful candidate. Mr. O'Flaherty for many years occupied a position in an honourable profession, and did so in a highly honourable manner. I have never heard a word of disparagement of him as a gentleman. He bears in this town and county, famous for its preservation of its old families and its old traditions, a name not second in point of genealogical position to any that I know of. It is no disparagement to Sir Rowland Blennerhassett, that he is not personally connected with this town and county, but that he comes from a neighbouring province. Neither the law of the land, nor the custom of this part of the country, makes that a disqualification for seeking the representation of this borough. It is not so long back but that we can all recall the time when this borough was represented by a gentleman who came from far away, and of whom, as he is absent, I will only say that he did not carry in his train peace or plenty to the people of Galway, though he was once their idol. Of the other representative for the borough, Lord St. Lawrence, it is scarcely necessary, and it may almost seem impertinent, for me to say a word. Mr. O'Flaherty himself in handsome and becoming terms upon that chair spoke the truth when he said that Lord St. Lawrence could in no sense be considered an intruder into this borough. Connected with the county, and by great possessions it was becoming in Mr. O'Flaherty to say that he considered Lord St. Lawrence's candidature almost a proper one. He bore testimony to the manner in which Lord St. Lawrence had demeaned himself during the whole of this contest, and he put the final touch to his praise when he stated that he had himself canvassed every independent elector whom he could influence to give his second vote to the noble Lord. Mr. Macdonogh said that Lord St. Lawrence might almost be considered the legitimate successor of a relative of his, whose name I cannot now, in an assemblage of Galway men, mention without emotion. It seems almost but as yesterday since in this very courthouse, after a long estrangement, he extended to me his generous hand. What talents and what accomplishments were his! The very least thing you could say of him was to call to mind that he was descended from a long line of illustrious ancestors upon the one side, and that upon the other he almost immediately represented one of the greatest orators, statesmen, and unto whom this country has often, so often, contributed to the parent State (George Canning). Every one who knew Lord Dunkellin loved him, and I believe he was mourned by all.

Galway Town.

"Nec puer Iliacâ quisquam de gente Latinos
In Fantum spe tollet avos; nec Romulas quondam
Ullo se tantum tellus jactabit alumno."

If Lord Dunkellin himself were here (as would to God he were), though I might have owed some reparation, if not to him to his, for words spoken in the heat of advocacy, yet I could not have yielded to any such consideration, and I must have held, as I did hold in Sligo, that to me was given no prerogative of pardon in these inquiries.

Having made these remarks, I now approach the subject matter of this petition. The constituency, as I see by a return before me, is in all 1,421. Of those there voted at the last election 826 for Lord St. Lawrence, who was at the head of the poll 804 for Sir Rowland Blennerhassett, 432 for Mr. O'Flaherty, and 213 for Captain Ottard. I have before me an analysis of those voters, and whilst I think the freemen are altogether 449 in number, I observe that 312 of those voted for Sir Rowland Blennerhassett, 282 for Lord St. Lawrence, 65 for Captain Ottard, and 118 for Mr. O'Flaherty. But if you were to deduct the whole of those freemen, the state of the poll would stand thus, that Lord St. Lawrence would be in a majority of 230 over Mr. O'Flaherty, that Sir Rowland Blennerhassett would be in a majority of 178 or 180 over Mr. O'Flaherty, and that leaving out the freemen altogether, each of the present representatives would have been in an overwhelming majority on the poll.

Now premising these, as I conceive them, important facts, I come to the clauses in the petition. The petition consists altogether of 28 clauses, 14 of them being aimed at Lord St. Lawrence, and 14 of them at Sir Rowland Blennerhassett. They consist of charges of bribery, of treating, of bribery by procuring employment for different voters, of charges of undue influence varied in every way, and finally they wind up with charges of undue influence exercised by means of the Roman Catholic clergy acting for and on behalf of the present sitting Members, who both by addresses from the altar during divine service, and by other means, threatened loss and damage, and in other manners practised intimidation upon the electors who were members of the Roman Catholic persuasion in order to induce them to vote, or to refrain from voting at the election. I at once reduce the whole of those 28 charges to two, that is to say technically to two, as against each of the Members, for the charges are identically the same, and therefore I reduce them to two for the purposes of my judgment. Of the two the first is bribery, and the second is intimidation and undue influence as practised by the Roman Catholic clergy, for of any other description of intimidation there is, as I conceive, no evidence whatsoever. The only other particle of evidence which is given on the subject of intimidation, other than that which I have mentioned as practised by the Roman Catholic clergy, is that piece of evidence upon which I do not think Mr. O'Flaherty himself laid much stress, when he described that wild scene in some room in the town of Galway, where he was attending to address his supporters with, I think, a gentleman of the name of Comerford in the chair, and when a rush, of what shall we call them? "Barbarians from the hills," came down upon them, and they were dispersed in the twinkling of a moment. If I were to rely upon that as evidence of intimidation and violence for the purpose of avoiding an election, I think it is not likely that any man would be able to hold his seat where there had been a contest.

Again, the absence of evidence as regards other intimidation is material, because I say it is creditable to the inhabitants of this town to have it to record now, after the termination of this protracted inquiry, that there has not been, with the exception of the gentleman who, in that *mêlée* which I have described, sprained his little finger, a particle of evidence of anyone having sustained the slightest injury to limb. Nay more, I have not been told, nor I believe could it have been proved, that a single pane of glass was broken during the whole progress of the election. Therefore, with a view of clearing off (and we have enough to contend with in the case) as many things as possible, I say that there is no evidence of any other intimidation than that alleged to have been practised by the Roman Catholic clergy of the borough. Now having only these two subjects to deal with, I shall go first to the question of bribery, and I shall take that up in detail, applying myself, in the first instance, to that of Lord St. Lawrence.

The case was closed in evidence the day before yesterday, but yesterday, taking up this white paper book, which I have now before me, Dr. Seeds in his very able address, proceeded to call attention to the names of various persons, electors, and others, which appeared in this document, there being inserted upon it altogether I think 133 names, and he proceeded to comment with great force and point, upon various entries in this book, which compelled me to recall the attention of Mr. Palles (who had already spoken with such energy, eloquence, and argument) to those remarks in order, that I might not be said hereafter to have formed any decision on this book without giving the learned counsel for the sitting Members a full opportunity of making observations upon it. I thought it desirable, throughout the whole progress of this case from first to last, that every opportunity should be given for investigating everything which could throw the slightest light upon the case. I gave, therefore, to the learned counsel for the Petitioner every opportunity. I told them that I would put in their hands the whole power of this court in order to compel the attendance of any number of witnesses. Nay more, I was even willing, if necessary, to adjourn this inquiry, and to return to this town again, if it could not be satisfactorily conducted without such an adjournment. I also gave the opportunity, as I have just stated, to the learned counsel for the sitting Members yesterday evening
and

and on every other occasion, to recall witnesses to give every explanation they could of anything which had the slightest appearance of suspicion in the case. Then Mr. Palles, taken very suddenly, spoke with great point to the different names and entries in this book, and so too, on that point did Dr. Seeds reply with great force to the reasoning on the opposite side. I undertook to look through the whole of this book last night, and I have, as I had promised, read every word in it, and I have deliberately considered every entry in the book. In the first place the book itself is endorsed, "Galway Borough Election, 1868, general list of out agents, clerks, &c.," and then there is the name of the solicitor, Mr. Richard Macnamara. The heading is not unimportant to look at. It is said this was prepared before the election. That is impossible, no matter what may have been said or what may have slipped from Mr. Macnamara. This book was not prepared before the election, because it refers to a letter dated the 7th of December, and to various transactions that occurred long after the election, and therefore it is impossible that it could have been prepared before. It is headed "names of persons who have by letters made claims as agents, clerks, &c., for Lord St. Lawrence in reference to the Galway Borough Election, 1868." I lay stress upon that description, "persons who have made claims," and I have no doubt, whether this is the original document or copy of a rough draft, that it is a book containing the names of persons whose letters of original introduction were found amongst the papers connected with the election, or who did personally or by letter apply after the election in order to have their names inserted and their claims considered by the persons who were acting on behalf of Lord St. Lawrence. There are columns here for the age of individuals. There are columns which appear to me to be most suspicious in the first instance, namely for the names of relatives or friends on the register. Then there is the "qualification," and the "person by whom recommended" for appointments. In some instances there are no recommendations. There are the particulars of "demands," not of payments, but of claims or demands sent in. Then there is a column to show "how actually engaged," and the dates of engagement, the rates of payment, the amount to be paid, and the observations made upon each of these persons. In some instances I observe there is no figure, but an observation made, "no claim." How comes it then to be in the list of claimants? The way I read that (though I may be wrong), and the way in which I make my way out of this labyrinth, for such it is, is by assuming that those names found their way into this book and on to this list from original applications for employment, or perhaps letters of recommendation sent by gentlemen, recommending persons to be taken on as employed in order that they may take off a little of the finances of the candidate, and that is the character of the book which I have now before me. That being so, in the first place it is alleged that the names of voters being upon this list, and that voters having been engaged in these capacities (I think there was a list of 13 handed in in all) I should arrive at the conclusion, if I thought these persons had been employed, that thereby the election was invalidated. Now that is not so. In the first place, if a voter is employed for six months before the election, or at the election, his vote is a bad vote; but to invalidate an election is quite a different thing. For that purpose I must be impressed with the conviction, brought home to my mind by clear evidence, that the voter is employed in order to induce him to vote at the election, or in consequence of his having voted at the election.

In the first place, as regards the matter of fact, I believe that in several of the instances which were mentioned, the fact of the employment was not sustained. In one or two cases it turned out that the person was not a voter, but a person of the same name, and it was stated by Mr. Macnamara, and I believe truly stated, that in Galway there are families and various branches of families of persons of the same name. I know myself that in the olden time it was the habit that a man was called by his Christian or surname, and then there was a suffix of the Christian name of the person from whom he derived his birth. There was John Lynch Martin, there was Martin Lynch John. They gave different nicknames to distinguish them. There was a Lynch the Lamb I believe; I once heard there was even so distinguished a person as Lynch the Ram. There were all those different titles in the place, but it was from the very fact of families having grown up within a limited circumference, absolutely necessary to have those contrivances in order to distinguish them. It was therefore no wonder that persons looking at those lists should be led astray in employing a man, believing him not to be a voter, whereas he was a voter, or making a charge for employing him, whereas it turned out that he was not so employed. That is one class of cases on which it is sought to invalidate the election as to Lord St. Lawrence. I have no clear evidence before me upon this book itself, and no evidence outside this book that there were persons employed as voters in any number whatsoever; and lastly, I have not a particle of evidence to satisfy my mind that if the names of two or three persons found their way into this book as being voters, and as having been employed, that employment was given in order to have a corrupt effect upon the votes of the persons so employed. In every instance they were very small items; they were claims not yet discharged. I think one of them, of a man of the name of Griffin, is not yet discharged, but the result at which I have arrived is that there is no distinct or clear evidence of the fact, and that there is none at all of the object of the employment, even if the employment took place.

Then there remains a class of cases which, being read out here yesterday evening, appeared undoubtedly to be suspicious. However, I have very carefully examined them, and all the other cases on this book. The first one referred to is upon page 3; that is Thomas Derham, of Monneva, who claims, by letter of the 7th December, clearly showing

Galway Town.

that this could not have been filled up previous to the election. His claim is sent in. What is the remark afterwards? "Claims by letter of the 7th of December for nine days' assistance as agent; no amount mentioned; not a voter." What is the observation under the head of "Observations"? They are clearly in the handwriting of a clerk of Mr. Macnamara, and not in his own; but they bear internal evidence that they are taken by a clerk as short abstracts out of letters, in order to condense into observations the results of his examination of various letters and papers. "Letter endorsed by R. M.," that is Richard Macnamara. The clerk copying says, "Letter" (that is the letter of the 7th of December) "endorsed by R. M.; voted for B. and St. L.; cannot be paid." "Not employed" (is the memorandum made by Mr. Macnamara in pencil) "in any shape; was frequently pressing R. M. for employment." Those observations read as I have read them, so far from bringing home any culpability or any corruption to any parties concerned, entirely, as far as regards that particular name, dissipate anything of the kind.

The next case to which my attention was called, was that of Francis Gavan, Quay-street, Galway. "By letter of 8th December, out agent, amount not mentioned." Now what is the observation upon that? The clerk writes, "Says he was engaged by R. M. *Nota bene*.—A good man; query, if a voter?" The answer, in pencil, says "No." Then there is a long memorandum, and what is it? "This, the son of John Gavan, in Quay-street, one of the ablest supporters of the Liberal cause. This young man was nearly killed by a blow from a sling ball." (Which I have early recollections of having been in very common use in Galway.) "Sir R. gave him 5*l*." Now that was not read. Taken *per se*, it would raise a cloudy suspicion against Sir Rowland. Sir Rowland Blennerhasset gave this man a 5*l*. note. If he were a voter, it would be paying a voter; and even giving it to the son of a voter, would be a critical matter. But, read with its context, so far from my thinking that it tells in any way against Sir Rowland Blennerhasset, I think it shows merely his kindness of heart; that this young man was nearly killed by the blow of a sling ball, and that he gave him a 5*l*. note as compensation for the injury which he had sustained in his cause.

The next case to which I may refer is on page 14. That is the case of Patrick Campbell, of Prospect-hill. The names of his relatives are given as "John and James Campbell, both of them being freemen." He is recommended by Mr. Michael Macnamara, who is a respectable solicitor in this town, and the memorandum made about him is, "This boy was employed for four days, and could do but little, but his friends were staunch supporters of Lord St. Lawrence. John Campbell 5*l*, and James Campbell 6*l*, on freemen's list"; and then there is a remark made, "cannot be paid now." Much stress has been laid upon that word "now," and beyond a doubt it is a suspicious word, and it is susceptible of two meanings. It may mean that he is to be paid hereafter; that it is dangerous to pay him now. I do not want, in the least, to say that Mr. Macnamara intended to misrepresent matters to the court, but, beyond a doubt, he must bear the penalty of being told by the court that he was a wonderfully confused witness. He said that he thought it meant "until further examination." That was what he thought he meant by that word "now." Between those different explanations I am not prepared to say that I very clearly see my way; but let it stand in its most invidious sense, however it may gather suspicion about that case as to the employment of this boy, it is not anything like the degree of evidence which I should require in order to convince me, resting merely upon that entry in that book, that that young boy was employed, and was to be paid, for the purpose of influencing the votes of his relatives. Whether it was a father, or whether it was an uncle, does not appear; what they were is not stated, except that they were relatives. As to that word "now," with all that has been so properly addressed to me as regards that little monosyllable, I am not prepared at all to say that I have any evidence before me which would lead me to a conclusion adverse to the sitting Members, and calling upon me to declare this election a void election.

The same observation applies to the case of Greelish, which is mentioned at page 55, and then I come to pages 16 and 17, and that closes the whole of this book. Now the cases of pages 16 and 17 are, I think, those of Tarpy and Towrey, and of Lawrence Tyrrell. There is also the case of the Murrays; but as regards the Murrays, in the first place, there is no entry in the column of age, nor was there in any of the others till I came to page 15. As to the Murrays, there is no observation leading to any corrupt conclusion at all. "Query, relative to John Murray, 298, freeman." Mr. Macnamara pledges himself that the object of making that inquiry was lost by want of sufficient care, or by mistake he might be led into doing some one act which would compromise his client, Lord St. Lawrence. The entry opposite to "William Tarpey, Prospect-hill, Galway," is, that he is "16 years of age; not too young to be employed as an office clerk; he demands 10*s*. a day;" and the observation made opposite to him, instead of being a corrupt observation, is this, "Query, a young lad, son of a voter, cannot be paid." It is not "cannot be paid now." The next case is that of Michael Towry, 17 years of age. He too demands, I think, 5*l*. for being employed as a clerk for 10 days. And there is the like query, and the observation that it cannot be paid. Finally, there is the case of Lawrence Tyrrell, who is only 10 years of age, of Mayor's-park, Galway. He makes his demand, by letter of the 11th December, for services for Lord St. Lawrence, and the observation made upon that is, "A most absurd charge; was employed for one day only, the election day; his father was a freeman; voted for B. and St. L. Cannot be paid."

That takes me through the whole of that book, and I am bound to say that though it had from the very first day of the inquiry excited my keenest suspicions, yet upon fully investigating

investigating it, and reading it by the light of the evidence which has been thrown upon it, I see nothing in it from first to last calculated in any way to displace the position which has been attained by the sitting Members.

I now come to another branch of the case, which is more difficult to deal with, and that is the transaction with Thomas Heavry. This case, which I shall call the Heavry and Whelan case, is the only remaining one of alleged bribery by those acting on behalf of Lord St. Lawrence. This Thomas Heavry appears to be one of those fellows who, the moment they find a nobleman or gentleman standing for a place with which they have any imaginable connection, swells in their own imagination; their proportions become distended; they have mighty power; any number of relatives; and they can carry the gentlemen at the head of the poll without the slightest difficulty if he will only repose confidence in them. He hears of Lord St. Lawrence being in Galway with Mr. Kane; Mr. Kane was not produced to give evidence, and I am sorry that he was not. I think it would have been better if he had been, because it would have left less to suspect in the case, more especially as in another branch of the case he had been spoken of in the letter of the Bishop of Galway as a person whom he, the bishop, then took a deep and warm interest in the welfare of Lord St. Lawrence. In another part of the evidence it is mentioned that Mr. Kane made repeated visits to Galway during the election. However, with the evidence which I have before me, I must deal with this case; I think this is the gist of the matter. Heavry goes to Mr. Kane at Howth, and he tells him what a great man he can be, and what he can do, and that he has not only influence below, but that he can search out the freemen, a great many of them being acquaintances and relatives, and that he will take them down to Galway, and that he does not want a farthing in the world. That is the way those fellows always begin. There is a profession of disinterestedness which almost takes you back to the primitive times of Spartan simplicity. I remark that he would not take even a glass of water. Mr. Kane sends him forward to Mr. Macnamara; Mr. Macnamara hands him over to Mr. Lynch, who is acting in his office; and I see no reason to doubt (and therefore as I have felt it necessary to make, perhaps, some sharp observations upon the witnesses as they were produced, I give them the benefit of my opinions when they are in their favour), that there was a belief existing in the minds of Mr. Macnamara, Mr. Kane, and the clerk of Mr. Macnamara, that this man Heavry was himself a voter, and that he had five other freemen resident in the city of Dublin, but freemen of Galway, whom he could take down to vote at that election. Mr. Macnamara commits the charge of this business, he being himself away, to Mr. Lynch, his assistant. I think that gentleman is the son of a solicitor in the county of Mayo. In the first place, let it be known, that the payment for the conveyance of voters in this borough of Galway is not illegal. It was, until the passing of the last Act of Parliament, illegal to pay any sum of money whatsoever in a borough constituency to any voter, or to any person for any voter, in order to bear the expense of his conveyance to the poll, but in this last Act of Parliament of the 31st and 32nd of the Queen, there is a special provision made that it shall be illegal to pay any money on account of the conveyance of any voter to the poll, either to the voter himself, or to any other person, save and except in the several boroughs of the county of the city of Cork, the county of the town of Galway, and the county of the city of Limerick. Those three cases are excepted, for the obvious and plain reason, that the radius of the borough of Galway extends out, as I believe I am correct in saying, for several miles, as in like manner it does in the city of Limerick, and in the city of Cork, embracing within the bounds of this borough a large rural constituency, perhaps in some degree conterminous with the Roman Catholic diocese of Galway; I do not know whether that is so or not, but it is not material. Then, in fact, of paying for the conveyance of voters to this city of Galway, there is nothing illegal. Therefore, the first inception of this transaction, which afterwards became so very questionable, is innocent, and does not suggest any guilty intention in the mind of the parties transacting it. Heavry, as I said before, is the very opposite of what he represents himself to be. In the first place he represents himself to be a voter, and he is not a voter. In the second place, he says he has six friends who are voters, and he has only two friends who are voters. In the third place, he represents himself as a most disinterested being, and he has proved his disinterestedness, doing everything in his power by lies, by fraud, and by peculation, to invalidate the election of the nobleman for whom he entertains such disinterested affection. He comes to Galway in the way that has been described, heaping misrepresentation on misrepresentation, and telling Mr. Lynch that the other two or three men are to arrive in some other way in Galway, that it is better not to send them their money (that would have been hard to do, seeing that they were non-existent), but that they were to come, and when they came he would take care of the matter, or something of that kind. He does arrive in Galway, and he has got his travelling expenses; and when the election is over he appears with four or five men, improvised for the occasion, and he demands from Mr. Macnamara their travelling expenses back, which it would have been perfectly legal to give them. Now, here clouds and darkness come around the case. The atmosphere becomes as uncertain as that of the place in which we are now sitting; one moment it is clear, and the next moment it is involved in almost Cimmerian darkness. Mr. Kane is the first witness who is put up, and really increasing years do not appear to have taught him much discretion. His engagements of commerce do not appear to have cleared his calculations, and for a man who keeps books, he has undoubtedly less knowledge of book-keeping than any man I ever met. He gave, beyond a doubt, an account of this transac-

Galway Town.

tion, which is not the truth. He was not present when the I O U's were prepared. No men were paid in his establishment. No I O U's were signed, to his knowledge; he let the men in at the back door merely to take the poor fellows out of the pelting of the pitiless storm; he is not aware to whom the 17*l.* was paid. The 17*l.* was ready a considerable time before the men asked to see Mr. Macnamara; he ordered it to be entered to Mr. Burke's account; he had no object but to protect them from the rain, and to allow them to retire when, what shall I call that description of shower, the golden shower, was over. He goes off the table, and immediately Mr. Guilfoyle comes upon the scene. He is the junior partner in the house; he is, beyond a doubt, an active agent of Lord St. Lawrence, made so by the conduct of his appointed agents. I always observe that when gentlemen who are not professional hear an individual spoken of as their agent, they almost start to their legs, thinking that there can be only one agent, whereas we lawyers know that out of one agent you can make a thousand. Mr. Guilfoyle is asked about the I O U's; he says he dictated the I O U's. Mr. Macnamara was not present when they were drawn up; he had left when they were drawn up. The I O U's were prepared in one room; the receipts were drawn up in another. Mr. Macnamara told him at that time not to pay any other money to those men except their travelling expenses. He gave him express authority to pay no other men. He gave him no authority to pay any other money save travelling expenses, and finally, Mr. Guilfoyle says that it was of himself, and out of his own head, that he paid the people the monies, and gave it on their I O U's. He had no directions from Mr. Macnamara to pay them money; the I O U's were drawn below stairs, and he was the person who asked Dr. Cronin to allow his name to be used. Now, all that is contrary to the fact; Dr. Cronin follows Mr. Guilfoyle; he is his brother-in-law. The very first thing he says is, that he believes Mr. Macnamara was present when the I O U's were drawn up; but all doubt upon the matter is dispelled by Mr. Macnamara himself admitting that he was present when the I O U's were drawn up, and by that prime old gentleman, Mr. O'Flaherty I think is his name, telling us that he wrote them to the dictation of Mr. Macnamara, who was there from the beginning to the end, and who remained in the room above stairs when Mr. Guilfoyle went down with his brother-in-law, Dr. Cronin, with the cash in their hands, to pay the 17*l.* to those five men. All I can say is, that without pressing the matter to the extent of wilful misrepresentation, all that is not very creditable to the accuracy of those Galway witnesses.

Though I have tried to put myself in the place of a Galway jury, and to imagine what they would think of such a transaction, with such contradictions as these, it has been to me the most embarrassing part of this case from first to last. I have tried to get at the truth, and I have a firm conviction that I have got at the truth; and if I had not that firm conviction, and if the conviction rested upon my mind that this was really a corrupt transaction in its inception, the inevitable result must have been that Lord St. Lawrence's seat must have been vacated; but I distinguished between misrepresentation in court and corruption out of court. I believe that Mr. Macnamara was practised on in the first instance. I believe that he foolishly kept fencing about here in court; and I believe that his witnesses tried to keep from the court the real facts of the case, whereas the best thing that could have been done was to make a clean breast of it, and tell from first to last what had taken place. As a matter of law, if there were six men, they were entitled to their railway fare from Lord St. Lawrence, without incurring any legal responsibility. If a man made a false representation to the agent of a candidate that he was accompanying down six voters, and if that agent believed it to be so, and in that light took from him receipts for the money to take down those persons, no man of sense could hold that the candidate or his agent should be held responsible for such a transaction as that. I believe, that so far, that was the nature of this transaction, that this man, for his own purposes, to magnify and glorify himself with the friends of Lord St. Lawrence, having connections in the town, did falsely represent to Mr. Macnamara, and those acting on his behalf, and that they did incautiously believe that he had those men to bring down; and I believe that the same imposition was continued down to the time when this money was received. That only applies to their travelling expenses, and does not include the payment which was given to each of them, on the representation that they had been kept in Galway, namely, 2*l.* a-piece. It was very silly of Mr. Macnamara to refuse to pay those expenses. He had appointed an election expense agent, but the election expense agent not being present in Galway, it would have been no act calculated to endanger the seat of his client to have paid the legal expenses of those men, for the statute is not mandatory upon that subject of the appointment of an election expense agent, and it is not a clause in the Act of Parliament which at all invalidates the seat of the sitting Member. Therefore he might have done so with safety, though not with strict propriety; but why, having declined to do it on the day week after the election, he should afterwards rush into this payment without any election expense agent at all being present, somewhat transcends my comprehension. However, he gives this explanation of it; that he had the receipt of the election expense agent in his possession. But that does not relieve him from the difficulty he is placed in as to these 2*l.* a-piece, which is, beyond a doubt, the greatest difficulty in the case.

Now, was that 2*l.* a-piece given in consideration of those men having voted at the election? The Act of Parliament is precise, and says that the payment of any money whatsoever, any valuable consideration whatsoever, any promise, any offer, any promise of any offer to or for any voter, or to or for any person for or on behalf of any voter, or to or for any other person, in order to induce a voter to vote, or to refrain from voting, is bribery. This does

does not come within that category at all, because it is a payment after the election; but then the statute goes on to say, "or shall corruptly do any such act as aforesaid, on account of such voter having voted, or refrained from voting, at any election." This was the question, then, which I had to ask myself, and anxiously I considered it, and I am bound to say that my mind has fluctuated upon this question early in this inquiry, and I did not at once see my way to arrive at a conclusion favourable to the sitting Member. I have been much assisted by the learned counsel, and by the conflict of argument on both sides. I have weighed it in every possible manner in my own mind, and I have come to the conclusion that it was not corruptly done, and I give the benefit of that decision to the sitting Member on this head. I had to complain much of the way and the manner in which this evidence was given; and of one thing in particular I had to complain, that counsel were instructed to cross-examine Mr. Guilfoyle so as to elicit from him answers which were not the truth. I refer to the cross-examination of Mr. Guilfoyle, because, although it was nominally a cross-examination, it was really a direct examination, for although called for the petitioner, he was called the agent and friend of the sitting Member. He gave all the answers, as I have said, in reply to questions which were put, in such a manner as to elicit them from him, but notwithstanding all that, I see my way to a clear conclusion that those men were left heedlessly, or were believed to be left, for only two of them were left; but putting the two as representing the six, and dealing with the belief on the mind of the agent of the sitting Member, that he had six voters entitled to travelling expenses, I say that they were heedlessly left in Galway from the day they arrived, which was the 20th, until the 28th, which was the following Sunday week, Thursday being, I believe, the day of the polling. They were left nine days in the town, being artizans, or believed to be artizans, two of them being so. Then, supposing that the transaction was a clean and an innocent transaction, as I believe it to have been on the part of the sitting Member and his agents, though partially a fraud and a deception on the part of Thomas Heavyry, I so believe that they may claim for their expenses whilst so kept in the town, waiting for their expenses to which they were entitled, and that they received that sum ultimately as compensation for time and expenses while waiting for nine days in the town of Galway, in order to receive their travelling expenses back to the city of Dublin; and I am of opinion that it was not any exorbitant sum to give them on this account, in the way I represent, for a legitimate purpose, because we all know that in the very progress of this investigation we are paying men of that rank, who have been called here as witnesses, 5s. a-day as artizans, and 2s. 6d. for common labourers, and the sum for nine days would have been something like 4s. 6d. a-day for the whole time they were here.

I do therefore make the observation that the court was not fairly dealt with by all those witnesses. Mr. O'Flaherty told the whole truth from first to last. Whilst I was embarrassed and my mind placed in great difficulty by the shuffling testimony of that Mr. Guilfoyle, and by the wretched embarrassment in which Mr. Macnamara appeared to be placed, perhaps upon thinking of the extraordinary responsibility which he had taken upon himself, and the great danger which he had brought upon his clients, and that entire departure from all frank speaking which I intimated before as characterising the testimony of Mr. Kane, yet I arrive at the conclusion that this payment so made after the election as compensation to voters who were delayed in the town of Galway, not getting their legitimate travelling expenses to return to Dublin, cannot be held to be a corrupt payment in consideration of having voted at the last election for Lord St. Lawrence. That disposes of the evidence of the cases of bribery made against Lord St. Lawrence. Before the close of the inquiry I shall have, for another purpose, to refer to that transaction again.

Now I come to the case of Sir Rowland Blennerhassett. Upon the great and important constitutional question, for such I call it, of intimidation and undue influence—of which I will speak with the utmost freedom—the two representatives are almost, if not altogether, *in pari materia*, with a little distinction, to which I will call attention when I come to speak upon that branch of the case; but they are entirely distinct, as far as I can see, upon the evidence with reference to the question of bribery. I have now disposed of the charges of bribery against Lord St. Lawrence—first, as alleged to be indicated by that white book; secondly, as regards those I O U's which were passed for that money; and I now turn to the charges of bribery against Sir Rowland Blennerhassett. Those charges were very numerous, and they were stated very strongly against Sir Rowland Blennerhassett. His position is, to say the least of it, an unfortunate one. He has only been for three years one of the representatives of this borough. He has found himself before this in very bad hands, and he appears to have escaped the consequences of the acts of his former agents by what I would call a modern miracle. He was tried by a Committee of the House of Commons, and they seated him; but I am bound to say, from what appeared in evidence upon this trial, that they must have done so in consequence of not having even a glimmer of the disclosures which have been made before me. If elsewhere I had to observe that a man of large fortune, of unbounded wealth, gathered around him troops of followers whose object and ambition seemed to be to make his wealth entirely subsidiary to their avaricious appetites, I may say of Sir Rowland Blennerhassett that everybody appears to have desired to pluck him to the very bones, to exhaust every imaginable remuneration for every possible service, and when that was done, to enter on the regions of imagination, and to suppose claims which never had even a shadow of existence. However, with that election I have nothing to do. If we were investigating the case of

Galway Town.

the election of 1865, there could not be one moment's hesitation as to the result; but I have nothing to do with that—nay, more, I am precluded from allowing it to have the slightest weight upon my judgment in deciding the matter of this petition. (Of course, in the observations which I have made, I did not refer to the gentlemen now acting for Sir Rowland Blennerhassett; I am talking of past transactions. The gentleman now acting for Sir Rowland Blennerhassett is, to my knowledge, a most respectable gentleman.) This evidence as to the election of 1865 should have been shut out altogether, but for the statement of Mr. Heron, that from the peculiar way in which that election was managed and treated, and the subsequent transactions, it could be dovetailed, in fact that it could be cemented, into this election of 1868, and in that light I allowed the evidence to be given. There appeared upon the scene in that manner several persons who had received large sums of money from Sir Rowland Blennerhassett, with whom I will presently deal; but I will first eliminate from the inquiry the cases in which the evidence has failed altogether.

There is the case of Denis Kelly, who was one of the independent electors, whose disinterestedness cannot be questioned. He appears to have been a warm supporter of Mr. O'Flaherty, but that unhappy execution comes down upon his carts and horses, and Mr. O'Flaherty very properly declined to advance him the money to release the carts and horses; and thereupon he became an enthusiastic supporter of Mr. O'Flaherty's opponents; I have not a doubt in my mind that that is the true state of that transaction. He has, however, some road contracts in another name—not his own—and he is entitled to be paid for them; and he goes off to Mr. Reddington, who is the treasurer of the county, and who, getting the proper vouchers from the county surveyor (I suppose it is), would under ordinary circumstances immediately discharge that money. He tells the tale, and he gets the money, and he gets the receipts; but that is not a case which can in any way interfere with the validity of the election, and I am relieved from all difficulty about it by Mr. Carter's explanation.

The next case is that of Mr. Halliday, a gentleman connected with the county. When walking down the street with Mr. Reddington, the county treasurer, he is arrested on an execution for a small sum of 19*l*. He, not having the money about him, appeals to Mr. Reddington, and Mr. Reddington pays the debt. I am relieved from any difficulty on that point, because my friend Mr. Heron at once withdrew the case, and said, very properly, that he would have acted in the same way himself, as, of course, any man would.

The next case is one which is shown to be a mistake, but it was a mistake which it was very natural should have been made from the confused way in which all the documents had been brought together, and the scandalous neglect, in that respect, of the Act of Parliament. No accounts of election expenses were published, no vouchers were handed in; nothing was done until the very morning when this inquiry opened. I call attention to this now, because you may have other elections and other petitions, and if you have, after the warning voice which I send forth from this bench, it will not be in the mouth of any election expense agent to say that he was ignorant of his duty. There should not be one farthing paid at an election, except through the election expense agent; and I am not without a hope that the Legislature will see the wisdom of enacting that, if anyone pays anything before, during, or after the election, except through an election expense agent, and if the election expense agent does not send in his account, openly and publicly, circulating it in the newspapers, and once for all closing up the portals of possible corruption, the seat shall be declared void, and the Member whose agents neglect to comply with the Act of Parliament, shall be declared to have forfeited his place in Parliament. I do believe that, if that were done, it would have a powerful effect in putting an end to corruption. It would put it out of the power of men to seek payment for their votes, or the votes of others. All payments should be made through the agent of election expenses; all accounts should be made public, and then no man would trust himself to the tender mercies of, of course I will not say Galway freemen, but of any other freemen in any other place, who might come forward at any time, and, by proving the payment of a single shilling outside the published list, unseat the Member.

The next case, that of David Murdon, is one of mistake. David Murdon was supposed to have been employed, but he was sworn not to have been employed. The person who was employed was the brother, Edward Murdon; and it is certainly a most remarkable fact that Murdon having been so employed, and being of course ready to vote, if there was that exigency on the part of Sir Rowland Blennerhassett, to have resort to bribery in order to secure his return for this borough, Mr. Reddington expressly declined to allow Edward Murdon to vote for Sir Rowland Blennerhassett at the election. I mention that as a circumstance which is not undeserving of consideration.

I come now to the cases in which men were paid after the election. There is no doubt at all that a most disgraceful bribery took place in this town after the election of 1865, and I will now at once meet the remark which has been addressed to me, that the same scenes will take place after the decision on this petition; and that it is within the bounds of possibility that, notwithstanding the investigation, notwithstanding the proof by agents and principals, notwithstanding the production of the accounts of the election expense agents, further sums of money will be claimed and paid. It has been said that the election expense agents' accounts were returned in 1865, and that it is now shown that more than 3,000*l*. was paid outside those returns. But I wish to give a little information to those whom it may concern: here is an Act of Parliament, passed since that election

election of 1865, on the 31st of July 1867, and with regard to the statements made to me by Dr. Seeds, as to the bribery that may possibly take place after this inquiry has terminated, if there be any persons within hearing who entertain any expectation or anticipation of that kind (and I am bound to say that I have not had any evidence upon the subject), the piece of information which I am now about to impart to them will relieve their anxious breasts. They may leave this court perhaps disappointed in their expectations, but at all events it is as well for them to know the worst. There is a clause in this Act of Parliament under which, if Sir Rowland Blennerhassett or one of his agents, or Lord St. Lawrence or one of his agents, pay in respect of the election one shilling of money at any time between this present hour and the last hour of the session of this present Parliament, not only in this year, not only in the next year, but up to the last hour when it may be finally dissolved at the approach of a new election, for 28 days after every individual payment a new petition can be presented, not even to Parliament, but to the Court of Common Pleas in Dublin; and if that individual payment be proved, the seat of the sitting Member is just as effectually gone as it would be upon this inquiry. I am quite satisfied that neither of the sitting Members contemplates anything of the kind, and they will not understand me as suggesting that they have any such thing in contemplation; but there are two parties to every pecuniary transaction, there is the donor and there is the donee; and though I am perfectly satisfied that neither Sir Rowland Blennerhassett nor Lord St. Lawrence intend making any such payment, let me tell the one and the other that if he is pressed by persons who wish to carry on a system of corruption in this borough, he is bound by no feeling of honour to contribute to their rapacity; and let me tell him also that if he at any time pays one single shilling in consideration of this last election, he can be again petitioned against. Let every person in the borough of Galway know that this inquiry does not terminate here, but that if one farthing of money is paid in consideration of a vote at the last election to any one here, during the existence of the Parliament now sitting, a new petition can be presented, and the whole thing can be again made the subject of investigation.

Now I come to the particular cases. All these are cases of men who received large sums of money to distribute at the election of 1865. Hundreds were given to Brady; hundreds were given to Kirwan; £.60, I think, was given to a man of the name of Fahy. Hughes claimed balances after the election; and those are sums which those persons alleged they had expended for Sir Rowland Blennerhassett. There is not the slightest doubt that they had expended them illegally. Some of them sued Sir Rowland Blennerhassett, and their demands were settled by the interposition of some other person, I think a Mr. Halliday. At all events, Hughes was paid 40*l.* in February 1867, and Kirwan was paid 50*l.* at or about the same time. Hughes accepted the 40*l.* in full discharge of all his claims upon Sir Rowland Blennerhassett, and Kirwan did the same, but he says there is still a sum of 39*l.* due to him. That 39*l.* he never mentioned until the approach of the last election, in 1868; he then applied to Mr. Samuel Reddington, and he received a most decided refusal. That disposes, in my mind, of both these cases. I do not see that they are connected with this election. I believe that they were most ill-advised transactions on the part of Sir Rowland Blennerhassett, but, at the same time, I think he acted in them from a mistaken sense of personal honour, and I do not find that they were in any way connected with this election.

The next class of cases to which I come, are O'Gorman's cases.

O'Gorman is a man in the town, a manufacturer of pipes, who is connected with Mr. John Reddington, junior. Beyond a doubt, Mr. John Reddington's acts would have bound Sir Rowland Blennerhassett throughout the whole of this case. It is unnecessary for me to refer to the evidence to show how he was the agent of Sir Rowland Blennerhassett, because he was just as much his agent as the gentleman who was acting as his attorney, Mr. Samuel Reddington. The account which O'Gorman gives of the transaction is, that he and Sir Rowland Blennerhassett went into his father's shop; that Sir Rowland was canvassing his father, and that while he was doing so he took Mr. John Reddington, junior, aside, and (not in the hearing of Sir Rowland Blennerhassett) said to him, "There are so many men up in our workshop, and if you will tell me it will be all right, they will go for Sir Rowland Blennerhassett." He says that Mr. Reddington asked him to give the names, and that he told him to send the names, and he says that he went over to Mr. Reddington's office (I think on the following day), that he gave in the names to a clerk who was sitting there, Mr. Reddington not being present, and that the clerk took down those names; and I believe it has been proved from the poll-books that some of those men, at all events, voted for Sir Rowland Blennerhassett. It is said that Mr. Davis, the person alleged to have been in the office, was not produced; nor was he; but that did not appear to me to throw any light upon it, because the question is, was there a corrupt conversation between O'Gorman and Mr. John Reddington, junior, upon that occasion? Mr. John Reddington, junior, has sworn in the most positive manner that he had no such conversation, and that if any word of the kind was said, it never reached him; that he never contemplated anything of the kind; and he has sworn in the most unmistakeable terms that, neither directly nor indirectly, neither by promise nor by offer, nor by contemplation, nor in action, nor in intention, had he any idea of paying any sum of money to this man or to any other person on behalf of Sir Rowland Blennerhassett. I am bound to say that I believe him.

That brings me to three cases upon which great stress has been laid. There is a very
120—I. Y r celebrated

Galway Town.

celebrated case, to which I myself called attention, and which I have in my recollection; and that is the Sligo case, in which Mr. Charles Townley, of Townley, in England, was unseated for the borough of Sligo, in consequence of his friend, Mr. Stonor, then a very young man at the bar in England, having incautiously entered into a correspondence with Mr. Jeremiah Joyce O'Donovan, an alderman of the borough of Sligo, who had been a leading member of the Liberal party in Sligo, and who said, "I lost a large sum of money at the last election, and unless that is repaid to me, I will take no part in the election whatsoever." That sum of money was incautiously paid, and a heavy penalty it imposed upon Mr. Stonor! He had been appointed to a judicial office in Australia, and whilst he was proceeding thither, a question was put in the House of Commons as to whether Mr. Stonor was not the person implicated. That gentleman, upon the question having been put, was recalled from Australia. When he arrived there he found he was no longer a judge as he had expected, and he returned to England, and remained for many years debarred from taking any office. The Minister of the day, however, had the courage to defy obloquy of any kind, and Mr. Stonor was ultimately appointed, I am happy to say, to a judicial office in England; the Minister holding, as I think wisely, that there must be some limit to the penalties to be imposed upon a man who had committed one indiscretion in the whole course of his life.

That Sligo case is clearly distinguishable from this one. In that case the money was given, and the person to whom it was paid broke his promise to another person. Mr. Jeremiah Joyce O'Donovan refrained from voting at the election, his vote having been promised to Mr. Somers; and the resolution of the Committee was that he had refrained from voting in consideration of the absolute payment made to him of 103 *l.* That is entirely distinguishable from the present case. I am now applying myself, in the first instance, to the case of Brady. Here there was no election in contemplation; there was no promise in reference to a vote. It is a remarkable thing that, though the payment was made so far back as the summer of 1868, Brady says that he did not make up his mind to vote for Sir Rowland Blennerhassett until within three or four days of the election; and therefore many months intervened between the payment to him and his absolutely forming an intention to be a supporter of Sir Rowland Blennerhassett; and Sir Rowland Blennerhassett has sworn most positively that he never had in contemplation anything relating to Brady's vote, and that he would have paid him if he had plumped for O'Flaherty.

Now what are the circumstances of the case? In the first place it is not a claim made upon Sir Rowland Blennerhassett; it is an action brought against his attorney. I do not know whether I am at liberty to speak of the gentleman as having been Sir Rowland Blennerhassett's attorney at the former election; he had his own family solicitor, Mr. Flood, but I think it involves no great assumption to arrive at the conclusion that Mr. Concannon was the person really acting for him upon that occasion because he disbursed immense sums of money on his behalf, of all of which he told us here. He may be a very clever man, but I do not think that one would take him for choice as a confidential election agent. An action is brought by Mr. Brady, claiming, I think, 123 *l.* against Mr. Concannon. Brady had a great deal of money to distribute, but he said he was out of pocket; he had advanced his own. There is a liberality which characterises some persons, so that they even go beyond the estimates, and with a lavish hand they gratify a creditable feeling of generosity and friendship. Mr. Concannon is sued for 123 *l.*, which he deposes on the table was the most unfounded claim ever made in the world; that he defended it to the last and was prepared to defend it, and it was absolutely in the last summer assizes of 1868 (I forget whether I was here at the time, but I think not), that it was in the list here, and as to Mr. Concannon, the defendant (as does not always happen to a defendant), "he was most anxious that the case should proceed." However, Sir Rowland Blennerhassett arrived in town at a most unhappy moment. He certainly was not the right man in the right place then, and accordingly Mr. Brady serves him with a subpoena, or goes to serve him with a subpoena, as he said, from a gentlemanly wish not to have him served by a common process server; he goes to the club, and there Sir Rowland Blennerhassett is advised by his friends that there will be some horrible disclosures, and that the names of several most respectable people will be brought in question, and he is entreated to do something to save the exposure. Am I now to throw any doubt upon that? I may almost say that the annals of Galway have passed into the blue books, and a past Royal Commission have spent time in investigating the arcana of its elections. They have sat here for many weeks, and undoubtedly of some of the most respectable names in connection with the town and county (shall I say?) honourable mention has been made in the schedules to the report. I see no reason to entertain the slightest doubt that the screw was put upon Sir Rowland Blennerhassett to prevent any exposure in this court-house, and acting upon a feeling to which perhaps many persons in his position would have yielded, though against which sterner hearts or heads would mayhap have been proof, he again put his hand in his pocket, and he paid, or paid through his solicitor, this demand, of which Mr. Concannon has given the voucher of his oath as having been one of the most unfounded in the world. Mr. Concannon is indignant that he has not the opportunity of proving that; and having been no party to the settlement of the case, and having done all with his counsel which he could to induce the plaintiff to come to the encounter, he taxes his costs in that pleasant way which is so agreeable to gentlemen of the legal profession, and he sends down an execution against Brady. Brady was, I believe, arrested for the amount of this execution, and those acting on behalf of Sir Rowland Blennerhassett

Blennerhassett paid the amount of those costs, being part and parcel of the said original transaction by which Sir Rowland Blennerhassett had bound himself to hold Brady free as between him and Mr. Concannon, and I have no doubt that in the same way Mr. Concannon will tax the costs of the action when it has come to its final stage, and it is not for me to advise Sir Rowland Blennerhassett as to what he ought to do in that case. But I have come to the conclusion that that payment to Mr. Brady was not corruptly given with a view to the future election, and I hold that Sir Rowland Blennerhassett is discharged in that regard.

I have now still, for this case is very voluminous indeed, to come to Codyer's case and Comins' case. Codyer's case is somewhat of a different kind, and yet it comes within the same range. Codyer's case is that of a man who kept an open house here, he says, on behalf of Sir Rowland Blennerhassett; he brought an action against Mr. Reddington, and he recovered 25 *l.* and costs. He says he was ruined by not being paid the full amount, and he had to take the benefit of the Insolvent Act very shortly afterwards, and he appears on all hands to have been thought by the people who knew him to have been a victim of the acts of the agents of Sir Rowland Blennerhassett in connection with the election of 1865. Sir Rowland Blennerhassett, in a moment of dangerous confidence, I would say, having been appealed to by that Mr. Edward Guilfoyle, in reference to this poor man who he said was ruined in Sir Rowland's cause, gave him a cheque for 50 *l.*, desiring him to settle the matter as best he could. He has sworn that he did not know how the man was going to vote, and that he did not care how he was going to vote, and that he did it as an act of justice, believing that he was giving it to a man who had suffered to that amount, and far more in purse and in person, in his cause; and he said, in a manner which was well calculated to impress me, that he would do the same again under similar circumstances. I cannot hold, in the teeth of that evidence, that the 50 *l.* so paid to this man who had got through all the misery of litigation, arrest, insolvency, bankruptcy, was given from any other motive than that which Sir Rowland Blennerhassett has given, and I have no idea of voiding his election upon that ground.

Then comes the case of Mr. Comins, which is one of the almost inexplicable enigmas of the whole of this case; but there is so strange a light brought to bear upon the whole of this Galway election of 1865, that I am only thankful that there are not more Mysteries of Udolpho to explain; but still I think I can see my way through that transaction. That is a payment after this last election, and differs from the other in that respect. It is a payment of 25 *l.* to a gentleman of the name of Thomas Comins, who has got himself and his son, and his freeholders or voters upon the register. He was a friend of Mr. O'Flaherty; he was pledged, to support Mr. O'Flaherty. I have no doubt that he was. He tried to throw a most disgraceful imputation upon Mr. O'Flaherty in giving his evidence upon this table. I am bound to say that his imputation was not only refuted, but it was proved to have been impossible. He tried to convey to me and to the public that Mr. O'Flaherty had disgraced himself by threatening him, Mr. O'Flaherty, being an arbitrator, and in the position of a judge in a case as between him and somebody else, and had made that the means of forcing Mr. Comins to be a supporter of his. That met its conclusive answer by the statement which was made by Mr. O'Flaherty, that two months before these transactions he had absolutely signed the award which is the conclusion of an arbitration. But Mr. Comins had, like those other persons, been entrusted with money in 1865. He was, indeed, the agent for election expenses in 1865, and he paid away the moneys which were entrusted to him, less a little balance of 60 *l.*, and acting under the advice of an eminent Queen's Counsel, whoever he may have been, he thought that that was little enough for himself, and accordingly he retained it; and there being no questions asked, at the close of another election, his mind recurred to the enjoyments of the previous contest, and as he was in communication with Mr. Uniacke Townsend, who must be considered the real agent for election expenses in this case, and not that most unmanageable gentleman, Mr. Blake, as he is going away he tells him there was 25 *l.* due to him as election expense agent in 1865. Mr. Townsend, having been sent here to close all transactions, to have no more rivets to close up; knowing that he was dealing with the agent for election expenses, and thinking, no doubt, that he had a man as respectable as himself to deal with (which I am far from saying) hands him over, or says that he will send him, the 25 *l.* Mr. Comins had then voted for Sir Rowland Blennerhassett and Mr. O'Flaherty; but I take Mr. O'Flaherty's view of that transaction, I believe that that was a sham. I believe that Comins was really in the opposite camp, and why? Because he was assisting Lord St. Lawrence's agents in Dublin, though he did not vote for him. He voted for Sir Rowland Blennerhassett, but his son and the eight other voters go the other way. Am I to consider that that is a corrupt payment made in consequence of the election? It would be a most extraordinary conclusion to arrive at. It is promised on the 17th of December, in consideration of a balance which Mr. Townsend is told by a person whom he considers he can credit, was due to him from the former election of 1865, not as a voter or as a distributor of bribes, but as the agent for election expenses, and Mr. Townsend must be a most extraordinary fool, and (as you go south I do not think that you find that they become so dull) having promised this 25 *l.* upon the 17th of December, the petition in this case having been presented in Dublin upon that identical day, he pays this money to Mr. Comins some 8 or 10 days after the presentation of the petition. I hold that there is no evidence in that case to justify me in ruling that that payment, that unadvised payment, that uncalled-for payment, that unjustifiable payment, to which Comins had no more right than any other man in the gallery of this court, was a payment made corruptly by Mr. Town-

Galway Town.

send on behalf of Sir Rowland Blennerhassett for and on account of Comins having voted for him at the election.

That brings me to the close of those alleged bribery transactions. Now there was a good deal of discussion here between myself and the learned counsel as to what amounted to a corrupt payment, either in expectancy of the vote, or in consideration of the vote. I lay down no hard and fast rule at all about it. When the case comes before me to deal with it, I shall deal with it upon the facts, and if the facts bring home to my mind conviction of corruption, I shall declare it to be corrupt. If, for instance, as I had occasion to see the other day, a voter applies to a person who is a candidate for a loan of money to assist him out of difficulties, and if the candidate or his agent in a moment of charitable benevolence and generosity resolves upon giving him a loan of money, and if the insolent mendicant refuses to take it unless he doubles the amount, I have no difficulty in coming to the conclusion what is meant there. But there is no such thing here, from first to last. There is want of caution, there is great recklessness of consequences, there is a lavish expenditure of money upon a former occasion, into which I have no right to go. There is, perhaps, after all a generous disposition to stand well with his fellow-men, and to see that no one suffers on his behalf unjustly, but I do not see my way to find that Sir Rowland Blennerhassett at this election has been, either by himself or his agents, guilty of the corrupt practice of bribery.

I now come to what has been not improperly called by my learned friend Dr. Seeds the great constitutional question in this case, that is, the question of undue influence practised, in the words of the Act of Parliament which I shall read on behalf of the sitting Members. The words of the Act are most precise, not leaving things at large or in any uncertainty, but going into the most specific detail. I refer to the 5th section of the 17 & 18 Vict. c. 102. I had to consider this question very anxiously in another place, at the Drogheda election, in which, beyond a doubt, undue influence was practised by laymen and by ecclesiastics, and I so declared. "Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter either to give or to refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, shall be guilty of a misdemeanour, making him liable to the punishment of fine and imprisonment, and shall also be liable to forfeit the sum of 50*l.* to any person who shall sue for the same, together with the full costs of suit;" and, by a clause in another Act of Parliament, "shall render the seat of the Member void on whose behalf that undue influence is used;" and if it is used, and is found by the judge trying the offence to have been used (as it was found by me in the case of the trial of the election petition for the borough of Drogheda) by himself or his agents, the Member is incapacitated from again seeking the suffrages of that constituency during the then existing Parliament. That is the definition of undue influence given in the Act of Parliament. My learned friend Dr. Seeds reminded me that in the case of the trial of the election petition for the city of Dublin, I had given a short exposition of what I considered to be the law upon these subjects. I told him not to be so certain that a newspaper report always gives the *ipsissima verba* of the speaker (though the newspaper reports are generally very accurate), but I happen to have with me the official shorthand writer's notes, as prepared by Mr. Hewett, the very accomplished gentleman who acts here for Mr. Gurney, of my judgment in the Dublin case, and on referring to them I find that I said this: "I say that general bribery will invalidate an election, even though it be not directly traceable to the candidate. I say that general treating will invalidate an election, even though it be not directly traceable to the candidate, and I say, above all things, that general intimidation and undue influence" (that was the word which was omitted, I think, from the report which Dr. Seeds quoted, and I have no doubt quoted correctly), "whether it is lay or ecclesiastical, whether it is the ecclesiastic of one persuasion, or whether it is the ecclesiastic of another; whether it is the Protestant Episcopalian minister, or the Presbyterian minister, or the Roman Catholic priest, or the minister of any other of those innumerable sects which I believe are to be found existing over the face of the world, will upset every election at which it is practised." I see no reason to qualify in any way a single word which I stated in that judgment. That I believe to be the law, as laid down by the greatest authorities, and of that I believe no happier exposition was ever given than in the celebrated argument of Sir Samuel Romilly, in the case of Huguenin and Baseley, in the year 1807, before Lord Eldon, in the Court of Chancery of England, as to which I think it is recorded that Lord Eldon, years afterwards, stated that the words of that great jurist were "still ringing in his ears." It will not, therefore, be out of place that I should adopt the splendid language and diction of that great jurist, as containing a true and admirable exposition of that which constitutes undue influence when practised by ecclesiastics. The case of Huguenin and Baseley did not, of course, relate to an election, but it was a suit brought in Chancery to set aside a settlement made voluntarily by a widow upon a clergyman and his family. That settlement was set aside as having been obtained by undue influence and abused confidence by the clergyman as an agent undertaking the management of this lady's affairs, and it was so set aside upon principles of public policy and utility. Sir Samuel Romilly speaks in his argument of this undue in-

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fluence. I adopt his words as marking what I conceive to be the limit between due and undue influence, and I shall proceed, when I have read those words, to refer them to the case now in question. "Undue influence will be used if ecclesiastics make use of their power to excite superstitious fears or pious hopes, to inspire, as the object may be best promoted, despair or confidence" (that is, to inspire despair or confidence, in order to obtain their own objects, be they what they may), "to alarm the conscience by the horrors of eternal misery, or support the drooping spirits by unfolding the prospect of eternal happiness—that good or evil which is never to end." The sentiment embodied in those words is as noble as the language, and the language is equal to the sentiment.

Now, what is the necessary consequence if that is a true version of influence? Is it that the influence of the clergy is to be excluded? I say not. A question was put to the Bishop of Galway by the learned counsel who cross-examined him, and who did so strictly within the line of his duty, and with perfect propriety and ability, faithful to his clients, and in no manner unbecoming to himself or to the right reverend gentleman who was the subject of his cross-examination, and the question was this: "Did you say that if the people were estranged from their clergy, and were not obedient to their clergy, they would escape from all legitimate authority?" And the answer is, "I did." I say so too. Differences of religion will prevail to the end of the world, as they have prevailed from the very first hour of Christianity; but woe betide the country in which no religion shall prevail! The great modern Cæsar, when he found every institution around him in France a wreck after the Revolution, when dynasties were overthrown, when monarchs were brought to the block, when "*Les évêques à la lanterne*" was the cry of the revolutionists, when to be an ecclesiastic or an aristocrat was to go to the scaffold, looked about him; and when with his mighty hand he was reconstructing the edifice of his country, his dominion, and his power, he said: "If I had not found a religion I should have been obliged, for the safety of society, to construct one." Therefore, I say, it is idle to put forward the proposition that it is desirable in any country that the people shall be free from the influence of their clergy. To be a good citizen there must be a religious sentiment; and if you release the people from the influences, I say the legitimate influences, of their clergy, you set them at sea upon the billows of every kind of infidelity; and they will become as indifferent to the civil as they have been to the religious authority. Those are my sentiments; they are perfectly consistent with, they are ingrained in, authority itself; and so far from shaking the edifice of temporal power, and of temporal peace, they go to maintain both. But the question is, has undue influence been used, and has influence been unduly used? And there is no more difficulty in answering that in the case of ecclesiastical than of civil influence. The same test must be applied to it, and that is the reasoning of the human mind.

Then let me approach this particular case, and let me ask myself this question: Has there been undue influence? In the first place, it was said rather hastily, and I am sure without meaning to argue such a proposition, that if the priest uses influence at all, the election will be void. The Roman Catholic bishop in this country is not represented at the council table, where I frequently have the pleasure of meeting archbishops and bishops of the Protestant Establishment; the cassock and the lawn sleeves of the House of Lords are not worn by him; he is and remains in the eye of the law a commoner, and as a commoner he must find his representative. The Legislature and the law have given him a vote, and have entitled him to vote, and he has a right to exercise that privilege. The minister of the Protestant Episcopalian religion has the same right, and no less; the minister of the Presbyterian religion has the same; the landlord has his vote, and his tenants have their votes; and is it to be said that the landlord is to use no influence with his tenants? I deny the proposition altogether. I say it is right and becoming that a landlord should use his influence with his tenants; and so long as he does not exercise that influence in an illegitimate manner, no steadier, or safer, or more legitimate influence can be used. The public press, which is now almost one of the estates of the realm from its great and amazing power, from day to day and from hour to hour exercises its influences upon every constituency; and no one would presume to say that the public press should not put forth its tremendous powers, to advise, to lecture, often to control the people; because if you were to place limits upon that power the public benefit would be disregarded, and the freedom of the press would be destroyed. Then I ask, are the only persons in the community who are not to be at liberty to exercise their legitimate influence the bishops and clergy of the Roman Catholic Church? I meet with a positive negative any such assumption; but, as I said before, that influence must be legitimately exercised. I hold in my hand the report of a case in which the election for a neighbouring county, the county of Mayo, was contested in Parliament before a Committee of the House of Commons, in the year 1853. There certain electors for that county petitioned against the return of the present Member for that county, Mr. George Henry Moore, and the late Member for that county, Colonel Gore Ouseley Higgins. The seat was contested, evidence was given, and the Committee came to this resolution: "That it appears from evidence given before the Committee, that there was great abuse of spiritual influence on the part of a great body of the Roman Catholic priesthood during the last election for the county of Mayo." That Committee was composed of no ordinary men; the Chairman was Lord Harry Vane, a most distinguished Member of Parliament, one of the members was Mr. John George Phillimore, the Member for Leominster, one of the ablest lawyers in the House of Commons, and another was Mr. Clive, a very able man; and they arrived at the resolution which I have read, "that there was great abuse of spiritual

Galway Town.

influence on the part of a great body of the Roman Catholic priesthood during the last election for the county of Mayo," and yet they declared the Members to have been duly elected as knights of the shire. I do not mention this as expressing my concurrence in the decision. I think that if I had come to the conclusion that there was great abuse of spiritual influence on the part of a great body of the Roman Catholic priesthood, I should have also arrived at the conclusion that the Representatives were not duly elected. Amongst that Committee there was not one single Roman Catholic gentleman, all the members being of the Protestant persuasion; and yet they, having had that evidence before them, did not think that that abuse of spiritual influence had gone the length of invalidating the election.

I come now to a case of an opposite kind. The county of Mayo has certainly in its good time earned about as unenviable a notoriety in the annals of Parliament as, I think, any place that I know. In the year 1857, Colonel Gore Ouseley Higgins was the unsuccessful candidate for the representation of the county of Mayo; he petitioned against the sitting Member, Mr. George Henry Moore, and the petition complained of every description of intimidation, and of every description of undue influence. A very full report of the case is given in Wolferstan and Dew's Election Cases, 1857-8, vol. I. The witnesses giving evidence before the Committee, as in the Sligo case, were maltreated; one of them was almost left for dead whilst the Committee was sitting, and it had to be reported to the House. The Attorney General said he would prosecute, but I do not know what became of it. What was the evidence of undue influence as reported in that case? A placard was published, signed by the Archbishop of Tuam and three Roman Catholic bishops, which said, "People of Mayo! The voice of the Church now calls upon you to do your duty! Tipperary has already spoken. All Ireland now expects your decision. With one combined effort elect your chosen candidates, G. H. Moore, Esq., and Captain R. W. Palmer; or by your apathy permit Mr. Ouseley Higgins to sneak in, and be forever disgraced. Hear the voice of your venerated bishops, ever your guide in the day of trial. Resolved, at a meeting of the bishops and several of the clergy connected with Mayo, held in Tuam, that all the energies of the people should be directed to the rejection of Mr. Ouseley Higgins, who has been unfaithful, and to the return of Mr. Moore, who has been their honest, faithful, and uncompromising supporter in Parliament." Accordingly, in due time, the one candidate was rejected and the other was returned. Then some sceptical individual doubted that this placard had been signed by the archbishop and bishops, and he ventured to say that he was satisfied that it was not an authentic document. That was Sir Richard Annesley O'Donnell. He was immediately met by another placard, signed by three Roman Catholic curates, who declared that they held in their possession the autograph of the document which I have read, and that they vouched for its authenticity. Then there was a pastoral letter by the Archbishop of Tuam, which was inserted in the usual places, and went a long way. Then there were denunciations from the altar. At Bohola, the curate, in the presence of the parish priest, told the people during service, that the archbishops, the bishops, and priests had come to a resolution to oppose the petitioner; that every good Catholic ought to support Mr. Moore; that Colonel Higgins was "a pledge-breaker" and "a traitor," and that the day the people should turn against their priests would be a sad day for themselves. Another clergyman, at Castlebar, told the people from the altar, that "the curse of God would come down upon any one voting against his country and his country's cause, and voting for Colonel Higgins was doing so;" adding, "that if they were dying he would not give the rites of the Church to anyone voting for Colonel Higgins;" that "the parish should keep their eyes on the black sheep;" that he would "brand them for life," and would have "a separate chapel for those who voted for Colonel Higgins;" and that "the congregation should not speak to them." At Ballinrobe, the Rev. Mr. Conway said that the curse of God would follow every man who voted for Colonel Higgins; and this little bit of practical instruction was given: "You have a perfectly legal right to show your disapprobation of his conduct, by shouting and hooting after everyone who comes to support him; but take care and do not molest or maltreat any of the soldiers or police." It did not stop there. In one instance, the conduct of three clergymen was so bad in threatening voters, suggesting the Candidates' names to them when they hesitated, and suggesting to them the answers to the statutable questions allowed at the poll, that the deputy-sheriff threatened to have them taken into custody. They acted in many cases as the poll-agents of Mr. Moore. At Castlebar polling-place there appeared to be none other but priests acting as poll-agents for him, and but few besides priests engaged in bringing up voters to the poll. Instances were given of the most tremendous mob violence. A gentleman with a Galway name (and therefore I will not mention it) said to a voter that he was assisting "that villain Higgins," and threatened "to make a beggar of him and his crippled son." In another instance two priests told a voter that "if we voted for Higgins his soul would be in hell." Another amiable man said that "the supporters of Higgins, the traitor, had come in, and that they had escaped them; that others were coming along the Neill-road, and that he wanted 200 men." Accordingly a mob of from 300 to 400 men, armed with sticks, proceeded along the road. They met first a gentleman of this county, of the name of Burke, and they dragged him off his car, and beat him severely. They then met two carts conveying hay and straw to Ballinrobe for Colonel Higgins's horses. The gentleman leading them said, "Boys, do not scatter the hay and straw," and for once they did not obey their priest, and they did it. The thing went to such an extent that the poll was suspended and adjourned, and then came this proclamation from one of the clergymen:

men: "My ever dear friends, I never asked a favour of you that you did not grant at once. I now ask one favour more of you this day, and I ask it in the name of the Glorious Queen of Heaven, the Immaculate Mother of God; it is this, that no man, woman, or child shall appear on the streets of Ballinrobe, except a freeholder, on to-morrow, Wednesday, or any other day, until I appear amongst you. Anyone who does not take this my advice, he is my enemy, the enemy of Moore and Palmer, and the enemy of our country. Victory is yours." Upon that evidence the Committee came to the conclusion "That George Henry Moore, Esq., was, by his agents, guilty of undue influence at the last election for the county of Mayo. That undue influence and spiritual intimidation prevailed to a considerable extent at the last election for the county of Mayo. That in the exercise of such undue influence and spiritual intimidation the Rev. Peter Conway and the Rev. Luke Ryan were so prominently active, that the Committee deem it their duty specially to report their conduct to the House, in order that such steps may be taken as may seem to the House to be proper and necessary." Of course, the gentleman who was so unseated was unable to offer himself to the electors again during the whole of that Parliament. There is a case of undue influence proved to the satisfaction of any man on earth, and there is a case in which it was acted upon by the House of Commons, not shilly-shallying with resolutions condemning spiritual undue influence, and leaving the Member to hold his seat, but finding undue influence to have been exercised, and arriving at the legitimate and logical conclusion that the Member should not retain his seat.

Looking at it in that light, let us approach this case. Has there been such undue influence as ought to avoid the election in this case? If there has, the higher the person who used it the more fearlessly he ought to be dealt with. I care not whether he be curate, parish priest, administrator, bishop, or archbishop. I cannot go higher than that in this country; but if undue influence at an election were proved before me to have been exercised within the limits of the law and of my own reason, consulting as to the proper deductions to be drawn from the facts, I would, without the slightest hesitation in the world, find that to have been an undue election; and let the persons who have brought that state of things about, whenever it occurs, deal with the consequences. But as, on the one hand, I believe that if I were to cripple the legitimate influence of the clergy I should do the greatest injury to society, and, instead of preserving the freedom of election, I should run the risk of restraining the freedom of election, in their regard at least; so, on the other hand, if that influence is unduly used, it is in the interest, I do solemnly believe, not only of the country at large, but more especially of the Roman Catholic population of the country, to prevent the recurrence of such instances. It has been urged to me that if ever there was an occasion in which it was justifiable that the Roman Catholic clergy should put forth their hands, it was at the present crisis. With the right or wrong of the present political question, I, sitting here, have nothing whatsoever to do; but I recognise the perfect propriety of that observation; I recognise the brilliant and eloquent language of Mr. Palfes, when he gave that rapid historical review, travelling from the year 1793 to the year 1829, and from the year 1829 to the year 1849, when, as he said, we passed at a great leap from franchise to emancipation, and when he expressed a hope that the Catholics of this country were now about to spring from emancipation to equality. But if, without trenching upon the domain of politics, I may be permitted to make an observation upon the stirring scenes which are now passing around us, let me say that, if the Legislature, in its good will and pleasure and judgment, is minded to strike down what is called one ascendancy, I hope and I believe that the intelligence, the spirit, and the independence of the lay Catholics of this country will prevent the setting up of another ascendancy over them more galling and more fatal, though coming from the midst of their own community.

In this case every description of charge has been made against the Roman Catholic clergy. They have been charged in the statement of my friend Mr. Heron, with having refused the rites of the Church, in order to influence votes at this election. If that had been proved in a single case, I would have avoided this election; I would not have hesitated one moment about it. If a single elector—the most miserable freeman that crawls about this town—had been refused the rites of the Church in order to compel him to vote, or because he had voted, or because a member of his family had voted, in a particular way, I would have avoided this election without the least hesitation; but I have never known of such a thing being done in this country. I am perfectly satisfied that the eminent ecclesiastic who gave his testimony so frankly upon that table would countenance no such procedure. I said when the bishop was examined, in guarded fashion (for I had not then made up my mind as to this case) that whatever inferences we might draw from the testimony of the right reverend prelate, no man could deny him the justice of saying that he had frankly told what was passing in his mind, without regard to consequences. I am certain that he would never let near him the abominable idea of making the sacred rites and mysteries of his Church subservient to political purposes. But the charge was made, and a more fearful charge I know not of; and let me say that it was one which ought not to have been hazarded without a belief in its truth, and that it would be supported in proof. In these petitions I make every allowance for human frailty and for human passion; but I say that where a great body of men, holding a position of the highest importance in the midst of a Roman Catholic congregation, headed by a bishop distinguished for great talent, as anyone would say who heard him here (and I speak from an older recollection, for I once happened to pass into a country chapel, not having had either then or since the honour of the bishop's acquaintance, and I remember being delighted with his eloquence, he being then but a humble curate), refuse the most solemn

Galway Town.

rites of the Church to persons on account of their voting or not voting in a particular way, such action on their part will, and ought to avoid an election. But I say that such a charge against such men, or against any men, ought not to have been hazarded unless there was forthcoming some evidence of it; and in this case there was not one particle of evidence offered to prove the statement. It was said that the clergy threatened privation of the rites of the Church. There is not a particle of evidence of anything of the kind, not a suspicion of it. The right reverend prelate himself said that he would immediately suspend any person who presumed to do such a thing; and I say there is no record of such a thing in this country. There is in the volume to which I have already referred, mention of one clergyman having so far forgotten his sacred calling as to threaten that he would do so; but I will not allow myself to believe that that threat would ever have been carried into execution. I know that in another country (I speak, of course, historically, and from the ordinary sources of information that we have upon affairs at home and abroad) in the early portion of what may be called the present Italian revolution, in the province of Piedmont, such a course was taken with those who were believed to be connected with what I think I may properly describe as the Siccardi laws; and when I had the honour of a seat in the House of Commons, I recollect the Prime Minister of the day asking me across the House whether I could justify such a thing; and I did then reply, as I now reply, that a greater infamy could not be perpetrated. There is no pretence of anything of the kind existing in this case. What is the intimidation? Does the candidate say that the bishop or his clergy ought to have no voice at all in this election? That cannot be, because on the 11th of October there is a letter addressed by himself to the bishop, if not asking the bishop to be active in his cause, at least asking the bishop to authorise him to say that he (the bishop) and his clergy were not opposed to his candidature. To that letter there is a reply given, which I have in my hand, in which the bishop, condoling with Mr. O'Flaherty as to a domestic calamity, says, "As regards the political portion of your letter, you will not take it, what it is not intended to be, as the slightest mark of disrespect if I forbear entering upon it." That was perfectly legitimate, and perfectly proper; no man who asked for an opinion from another had a right to complain that the bishop, or any other individual, gave him that answer. Different candidates came into the field, and ultimately Lord St. Lawrence, about that very time, I think, about the 10th or 11th of October, appears upon the scene. Mr. O'Flaherty describes Lord St. Lawrence's appearance in the terms which I have already mentioned, and which do Mr. O'Flaherty credit; but he also goes on to say, that, so far from Lord St. Lawrence having given an abject submission to the wishes of the Roman Catholic clergy, he did not do so. Mr. O'Flaherty is asked whether Lord St. Lawrence ever assented to the College House resolutions; and Mr. O'Flaherty says, on examination, that he does not believe that he ever did so. That is the testimony of Mr. O'Flaherty himself. The bishop is asked whether Lord St. Lawrence gave his assent to the College House resolutions, and he says, "Indeed he did not." His Lordship is asked, "Was it because of his dissent that you supported him?" and his reply is, "No; because I had seen his address to the electors of Louth, which I consider a far better document." Then a meeting is held, and these letters, which I will not go through in detail, passed between the parties. The Rev. Mr. Cullen is acting as the secretary of this small community, for it is not a large community, the secular clergy being only 18 in number, with some 18 or 20 of the regular orders, in the whole diocese. It is called "A meeting of the clergy and laity, presided over by the bishops, held this day in the sacristy of the parish church." The meeting is convened suddenly; the clergymen are sent through the town to call in persons to attend; but it is in evidence most distinctly, I think in the statement of the Rev. Mr. Dooley, that there were far and away a greater number of the laity than there were of the clergy; and he particularly mentioned (and that is a circumstance to which I intended to call attention) in answer to the question, "Were there a great deal more laymen than there were clergymen?" that there were "A great deal." Q. Did you consider that that represented the general wishes of the electors of Galway? A. I considered that that meeting represented the respectability of the town of Galway; I saw the greatest friends of Mr. O'Flaherty there. I observed some of his best supporters there among them. I saw Mr. Flannigan, and another also, Mr. Martin Tierney, Mr. John Dunning, and several more, great advocates of Mr. O'Flaherty. James Martyn was the first after the bishop, who explained the position of the state of the Liberal cause. James Martyn was the first man to propose the scrutiny. Then a scrutiny is proposed. No man has a right to go into such a thing. No candidate has a right to submit to such a thing. Every candidate has the right to say, "I will have the free voice of the electors at the poll;" but a letter is written to Mr. O'Flaherty, the candidate, as to Lord St. Lawrence and Sir Rowland Blennerhassett, and we are told that it was resolved that the three Liberal candidates should go into conference with their friends. In England constantly this is done. It was done the other day in Manchester, and there is nothing bordering upon offensiveness in this letter. I am dealing with this case without the slightest regard to any party, either high or low; but I must say, that I think that the letter which was written in reply to that letter was not called for. I think that from the beginning to end it adopts a tone of covert imputation. I accept Mr. O'Flaherty's explanation, that he did not intend the letter as an insult to the bishop or the clergy, but I think that through the whole of this letter there is a pervading idea that the clergy were to be excluded from participation in the conferences which were to be held by and on behalf of the Liberal party; for Mr. O'Flaherty suggests that three classes shall take the claims of the candidates into consideration; that the first shall be the mercantile community

munity, the second shall be the artisan class, and finally the gentry, but from those three classes the clergy are altogether excluded, and it would appear to me that they are almost the only persons who might legitimately consider themselves excluded from the consultation on the scrutiny. Though I accept the explanation that it was not intended, yet I think that from that phraseology of the letter, and that separation of classes, pointedly excluding the clergy, they might have reasonably concluded that they were the persons to whom it was intended to apply the taint and suspicion of being "a band of unscrupulous intriguers."

Now this is a matter not to be lost sight of, when I am considering the acts which were subsequently done by the bishop and clergy. If I think it reasonable that they might arrive at that conclusion, though now having heard the explanation on oath rejecting that supposition as a matter of fact, I have asked myself whether it is conclusive; and can I hesitate to believe, when I have the positive swearing of the bishop that it was intended as an insult to himself and to his clergy; *that they so considered it*, even though Mr. O'Flaherty did not intend it? I do believe that; and although I think that different men might put a different construction upon that letter, with the classification which I have pointed out of the persons to whom the question was to be submitted into three divisions, each and every of them excluding the Roman Catholic clergy, I say the primary and reasonable explanation of it is that which they adopted. Then very strong measures are taken, I admit, though far as the poles away from anything that occurred in this Mayo case, and far as the poles away from what was laid down by Sir Samuel Romilly as constituting the offence of undue influence. Where is the evidence here that religious influences were brought to bear to arouse the superstitious fears or the pious hopes of the electors of this borough? Where is the evidence here that the electors of this borough were alarmed by the horrors of eternal misery, or that their drooping spirits were upheld by the prospect of eternal happiness, promised to them by their bishop or their priests? The evidence scatters such a charge to the wind. If those apprehensions were entertained, if those hopes were held out, how came it to pass that 432 electors, including 118 freemen who are described as being in a most abject position in life, were not intimidated or influenced by either of those means? But, as a matter of fact, were their superstitious fears practised upon, or were their religious hopes excited? I did not hear one tittle of evidence of anything of the kind.

The intimidation is divided by Dr. Seeds into spiritual intimidation practised by the bishop upon his clergy, and by the clergy, under his dictation, on the people. I am not here as a censor of the manners of the ecclesiastics of my own or any other church; that is not my province. I have merely to inquire, just as any other judge would do, no matter what his religious belief might be, whether the spiritual influence of the Roman Catholic clergy was brought to bear unduly upon the minds of their congregations, so as to deter them from the free use of their franchise? I may entertain, and I do entertain, opinions about some of the transactions disclosed in this case; and I must say that they do not coincide with those which evidently were entertained by a bishop of my own church. I do not approve of the most sacred mystery which is known to the Roman Catholic Church, or to every Christian in the Roman Catholic Church—that sacred and solemn mystery in which every true Roman Catholic believes that the sacrifice of Calvary is repeated in the atoning blood of our Saviour—being suspended to deliver a political discourse; of the devout minds, whose hopes and expectations are bent upon the celebration of that sacred rite, being diverted or confused by the brawl of an election battle. But, exercising my own opinion, I gave it there; it is due to the right reverend prelate to say that he never preached himself until the sacrifice of the Mass had been concluded; but not so with other clergymen. It is described, as we Roman Catholics all understand, that after the first Gospel, the celebration of the Mass was suspended, in order to lecture the people upon the subject of the conflicting claims of the different candidates. I think it would be well, even, if the House of God were not made a place for delivering political discourses at all; but I pass that by as a matter of trifling importance. I recognise the full right of the Roman Catholic clergy to address their congregations; to advise them to canvass the merits of candidates; to tell them that one man is for the country, and that another man is against the country; and to tell them that this man is in favour of a church establishment which they think is more for the benefit of the people to have disestablished; to tell them that another man, though a Roman Catholic in profession, is yet playing the game of another candidate who is against the interests, in that respect, of the Roman Catholic population; nay, more, I would not hold a very hard and fast line as to language which, in excited times, might be used by Roman Catholic ecclesiastics or by civilians. They may be impatient; they may be zealous; they may be wrathful, provided they do not surpass the bounds of what is known to be legitimate influence. I heard nothing, as reported in the discourse of the right reverend prelate, which at all surpassed those bounds. There was no threat to suspend or refuse the rites of the church; there was no play upon the superstitious feelings of the people.

There was a question asked, whether the right reverend prelate treated with levity the phrase of "clerical dictation," and he said he did use the words "clerical dictation," and that he did treat it with levity, and he said it was the parrot-cry, I think, of the revolutionists in Europe. I am not disposed to quarrel with that observation at all; and the only thing in the whole of this case which even approached the confines of the rule as laid down in the authorities which I have cited, and in the resolutions of the House of Commons upon that Mayo case, was one piece of evidence given here by a man of the

Galway Town.

name of Brennan, as regards a clergyman of the name of Holahan, namely, that he had said that if anyone supported Captain O'Hara he would be a traitor to his God and to his country, and that he would deserve to have the brand of Cain upon him as a fugitive and a vagabond, as he is described in the Book of Genesis, "to whom the earth when tilled should not yield its fruits," whose iniquity, in his own language, was "greater than that it might deserve pardon." If that language had been proved to my satisfaction to have been used, I do not mean to go the length of saying that because of that I would avoid this election; but I do mean to say that it would be a transaction and a language which no man could attempt to justify, and which it was highly creditable to the lord bishop to have met at once with the fullest expression of his indignation. But was it used? Brennan said that it was used; that he heard Mr. Holahan say that anyone who would support Captain O'Hara would deserve to have the brand of Cain upon him. It is a very remarkable fact, bearing, as we go along, collateral testimony to the truthfulness of Mr. O'Flaherty (if it was necessary to bear any testimony to it, which I do not think it is), that he was in church upon that day, and that he did not hear those words, though he heard some reference made to himself. Possibly that may be accounted for by the fact that he was at the lower end of the Abbey Chapel, very near the door, and that he did not hear the words. Those are very remarkable words, if said aloud so that they they could be heard by the chapel congregation, and it is scarcely possible to think that Mr. O'Flaherty's attention would not have been fixed by them. Mr. Holahan is produced, and he swears most positively that his remarks were directed at bribery, in the way that he has explained, which was expected to be brought to bear upon the constituency by the Carlton Club. Those reports get abroad, but there is not a shadow of evidence in the case to show that even a shilling came from the Carlton Club, or from the highly respectable gentlemen who are members of it, to operate upon this constituency, or upon any other that I know of in Ireland. Possibly we may hear again of the warmth and hastiness of language used by Mr. Holahan.

But that is not the question which we have to decide here. We have a graver question to review here—would I void this election if that language was used? I do not say that I should, even if I were satisfied that that language was used in the sense represented to me by Brennan. Then it is said that Holahan said, why did he not go on; why had he not the courage to call us "surpliced ruffians"? That, if it were used, is very strong language. There is not a particle of evidence to show that Mr. O'Flaherty had spoken outside the range of that letter, even if it bears that construction, a single disrespectful word to the clergy of his own persuasion.

Then what else is there in the case? There is that transaction in the church by the bishop, in which, dealing with Father Spelman, his conduct has been impugned. I cannot step in, nor is it my province to decide, between a bishop and his clergy. I have nothing to do with that. I have only to do with it so far as it affects the election; and so far from its affecting the election, I think that both those gentlemen very distinctly showed upon the table that their affections and sympathies were very much enlisted in favour of Mr. O'Flaherty. There is just one scintilla of undue influence, namely, that Mr. Spelman's father said he could not vote for Mr. O'Flaherty in consequence of his son's position in the church; but that is a compound influence which is not at all the influence which would be required to invalidate an election. Again, Mr. Cullen said that he was placed in a most unenviable position by reason of the commands of his bishop. I must say that my sympathies are all enlisted for that gentleman. I hope he will be no sufferer by these transactions. It would be a pitiful thing if he were to be so. He is brought into a hard personal position by the necessities of the laws of our country, which compel every man to come into a court of justice and to give his evidence freely and frankly upon his oath. I saw nothing disrespectful to his superior in his manner, and I could find many a thing which would aggravate the temper in that transaction at the chapel. The bishop says that Father Cullen undertook to speak, and I believe him. Father Cullen says that he did speak, and that he thought that he had faithfully carried out what he had promised to do. These discrepancies will exist between the evidence of the best of men; but to be told to go back in the face of the congregation and again to address them, which he was obliged to do in a hypothetical form, for he says that he did not believe that Mr. O'Flaherty was aiding Mr. O'Hara, and that therefore he was obliged to say (or otherwise he could not have spoken the truth), "I am told that Mr. O'Flaherty is working indirectly for Mr. O'Hara, and if you believe that, you ought not to give him your support," I must say was a painful position to be placed in. Then there were those other little matters which might swell the volume of suspicion and aggravation, namely, that immediately after the election he ceased to occupy the position which he fancied was that of parish priest; for I only put it so far, because he was not canonically a parish priest, but he went by the name of parish priest; he was entered, at all events, on the Calendar as a parish priest, that being a calendar specially circulated, as I well know, among the Roman Catholic clergy. He was only mentioned as administrator in the book, which is a very expensive one, and does not find general circulation through the Catholic community, namely, "Thom's Guinea Directory." I believe that the "Catholic Directory" is a volume which you buy for half-a-crown, but with that again I have nothing to do. There is an act which the right reverend prelate thought that he had a perfect right to do as between him and his clergy. It is not for me to pass any observations on that head.

I come to the conclusion that those transactions and those speeches, though they may
not

not be in conformity with the highest order of the most calm and deliberate advice; though I may be of opinion that a sounder model for ecclesiastical conduct could be found in the Apostle of the Gentiles, who discoursed of "righteousness, of temperance, and of judgment to come;" though I may think that a greater example could be found in him who said, "Most noble Festus, I am not mad, but speak the words of truth and soberness;" it is not what may be my opinion as to the conduct of ecclesiastics, my own or others', that is to govern here. I have only to ask myself, Have the legitimate bounds of influence been transgressed? Has the will of the people of this ancient borough been overborne? Has there, or has there not, been freedom of election? My opinion, within the authority and within the decisions; and the words of our greatest jurists to whom I have referred, is that no such intimidation and undue influence has been used as would justify me in declaring the last election for the borough of Galway not to have been, as I did declare, in consequence of the conduct of the Roman Catholic clergymen, the election for the borough of Drogheda not to have been, a free election. Let there be no exhibition of feeling. This is too serious a matter. I have a word or two more to say. There are cases mentioned here which have gone by the name of Lynch's cases, and which prove very clearly to my satisfaction that there were some 14 or 16 of the freemen of Galway with their votes in their pockets. There has also been proved to my satisfaction, upon the evidence of the conducting agent for Lord St. Lawrence, which must be taken as convincing indeed upon that subject, that there were at least 100 of the freemen of Galway who were, to use his own very graphic language, "soliciting encouragement." There have been those vulgar by-words and pass-words used, "crap," and "twine." There has been an impression left upon my mind that, at all events, a portion of the freemen of Galway are corrupt electors. Having come to that conclusion from the evidence, I can speak of the history of the past. A Royal Commission sat here, and it reported enormous numbers of them to have been corrupt voters. I make no doubt that the House of Commons will never think of going through the same idle form again of sending another Royal Commission to investigate the condition of the freemen. I shall report that that evidence has been given; but with the exception of that fact, I shall report that it has not been proved before me, and that I have not reason to believe, that corrupt practices have extensively prevailed in the borough of Galway at the last election.

Now I have done my task. I have tried to do it without the slightest prejudice towards either one side or the other. I have, I hope, succeeded in that effort; I have done my duty at all events fearlessly, and the consequences are for Providence. I hope I have not said anything in the discharge of my duty which could be construed into offence to any individual. Nothing was farther from my intention. I respect authority as I hope to have authority respected. I have great respect for the dignitaries of my own as of every other church, and I hope I have not travelled in the discharge of my duty out of the line which that feeling imposes. I have at the same time spoken with the most perfect freedom and frankness as regards my opinion of every person who was engaged in these transactions, no matter how high his position, lay or ecclesiastical.

I have nothing now further to add, except as to the question of costs. I have carefully considered that question; and I have arrived at a conclusion which, although it may seem to be inconsequential to some of those who take upon themselves to decide off-hand cases which they have never heard of, yet I am satisfied with the conclusion at which I have arrived; and I think the parties too, when they have a little time for calm reflection, will agree with me in the opinion I have formed. I think that the transaction connected with the payment at Mr. Kyle's house in Back-street, the absence of the proper documents which the law required to be filed, and the non-production of which left the petitioner here in the utmost doubt and uncertainty, amply justified his prosecuting a petition against the seat of Lord St. Lawrence; I think that the same total absence of compliance with the requisition of the statute by Sir Rowland Blennerhassett's agents, their absolute violation of the Act of Parliament in the most deliberate manner until the very morning when we came here to try this petition, and the questionable payment which I have declared not to attach to Sir Rowland Blennerhassett's return, the guilt of bribery, but which might well appear in that aspect to the petitioner, justify me in not directing, as I have directed in other cases, the costs of the petition to follow the result, but in coming to the conclusion that all the parties in these inquiries shall pay their own costs.

TAUNTON ELECTION.

Taunton.

JUDGMENT delivered by Mr. Justice *Blackburn*, 5 March 1869.

Mr. Justice *Blackburn*.] THERE are two questions raised by this petition, touching this election. The first is, the assertion in the petition that the election of Mr. Serjeant Cox, who was returned as the Member for the borough, is void, the consequence of which would be that there should be a new election. The other is, the claim of the seat on behalf of Mr. James, claiming that he ought to have been returned at the last election, and should now be the sitting Member for the borough.

The two matters come on together, but they involve different considerations. Upon the first the law has been well established, that where a person has been returned a Member of Parliament for a constituency, and it is made to appear that he has obtained his seat by any corrupt practice (I pass by other matters which are not relevant to the present question), committed by himself or his agents, the seat which he has obtained by means of that corrupt practice is not capable of being retained, and the election must be void, that being to a very considerable extent a matter affecting personally the candidate who has been returned (though, of course, involving the interests of the constituency also), depending very much upon what he, or his agents, for whom he is responsible, have done.

The second matter involves a different consideration. The Member who is returned for any constituency ought to be the Member who is elected by a majority of pure and unimpeached voters who vote at that particular election; if anyone failed to obtain such a majority, or (what comes to the same thing) if it cannot be proved that he has obtained such a majority, there must be a new election; that constituency must have a fresh choice to return such Member as they choose for the purpose. The distinction, therefore, is obvious there; it is not any longer a matter merely between the two candidates, but it involves the interests of the constituency. The constituency are, as one may say, parties to the question, and their interests must be considered as well as those of the sitting Member and the candidate who claims the seat; it is necessary in that case to see whether or no there is a majority of pure voters, and accordingly, every voter who is shewn to have been corrupted, must be struck off, for whomever he voted. It matters not whether he was corrupted by the sitting Member, or whether he was corrupted by the sitting Member's agents, or by a stranger; even if corrupted by the other side, I take for granted the man's vote is bad; if a man accepts a bribe for the purpose of voting, say for Mr. Serjeant Cox, and then, having been so corrupted, votes for Mr. James, his vote cannot be counted for Mr. James, any more than if Mr. James himself had bribed him. Or *vice versâ* if it were to be shewn that he had received a bribe, or was corrupted by somebody, to vote for Mr. James, and then voted for Mr. Serjeant Cox, his vote could not stand for Mr. Serjeant Cox, and must be struck off. The result is, that we have to see, without regard to who it was corrupted this man or that, what was the majority of uncorrupted voters, and whether there is a majority for anyone who has not rendered himself by personal misconduct incapable of standing. If there is such a majority, that person should be declared returned and substituted for the sitting Member; if that majority is not made out, there must be a new election in case it is shewn that the first election is void.

That being so, the first question to consider is, whether there is shewn here to have been corruption and bribery on the part of Mr. Serjeant Cox or his agents; I may say at once, there has been no evidence, and no ground given whatever, for saying that there was any personal bribery or personal corruption on the part of either candidate; I pass that by, taking it for granted that they are both personally untainted with anything of the nature of bribery.

The first question then is, has there been any corruption on the part of those for whom Mr. Serjeant Cox is responsible, such as to make his election, as far as he was concerned, void.

Now, the great matter which has been relied on has been what has been called barrister's court money, and the proceedings of the Conservative Association in paying that barrister's court money; and that matter I divide in this way. The first question is, to see if what has been shewn to have been done by the Conservative Association in paying that barrister's court money was a corrupt practice; and secondly, if that be established, whether the relation between Mr. Serjeant Cox and that Conservative Association, or those who acted for them, is such as to make him responsible for them as his agents.

Now, as to the first of these questions, it depends entirely, I think, upon the true construction of the Corrupt Practices Act, the 17 & 18 Vict. c. 102, section the 2nd, the first part of the section, and its proper application to the facts of the case. That section enacts, "that every person who shall, directly or indirectly by himself, or by any other person on his behalf, offer, promise, or promise to procure, or to endeavour to procure, to

or for any person, on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting," is declared to be guilty of bribery. That is the section we have first to consider; it is, "every person who directly or indirectly by himself" gives money—I pass by everything else—"to any voter in order to induce any voter to vote at the election"; that is made bribery on the part of the person who gives it; it is a subsequent section that declares what shall be bribery on the part of the receiver. We have to see, taking that section, whether the facts here proved, do bring the Conservative Association, treated as if it were a person within that category, as having given money to voters to induce them to vote. Now, as far as that goes, the facts do not seem to be very much in dispute as to the broad outline of the facts. It appears that the registration in this particular year happened in September, at which time it was well known that there was going to be a contest very speedily in this borough, and throughout all England; I mention that date because it makes a substantial and important difference as a matter of evidence in considering the bearing of the matter. If there was a registration held, as probably a registration in this Autumn will be held, at the beginning of a Parliament when there was not likely to be a contested election for four or five years, one would hardly consider that any proceedings taken at the registration were intended to induce voters to vote afterwards, when we find that the canvass had already commenced at the time of the registration in September, and when the election was expected to come off and did come off about the middle of November, then it becomes far more probable that what was done in connection with the registration was to induce voters to vote; I only point that out as being one of the matters of evidence. At this time, when no doubt the revising barrister held his court, many persons who were claimants, some of whom were objected to, would attend at the barrister's court to support their case, or to see if any objection were made to their claims.

Now, what was done or professed to be done on the part of the Conservative Association, was to repay those persons for their loss of time, to give them a day's pay for their loss of time in attending the registration court. The matter differs in that way from what it would have been if there had been a payment given to them for their loss of time in attending at the election itself, which was the case in one of the cases cited by my brother Ballantine, the Devonport case, where the persons who were paid money were paid for their loss of time in attending to give their votes. Such payments, when given to a person for loss of time in coming to deliver his vote, inevitably it seems to me (I cannot see how there can be a doubt about it) are payments for voting, and are distinctly struck at by the express words of the section, which I shall refer to afterwards, when I come to speak of those who received the money.

That would be a distinct and clear case within the very terms of the Act; and there is nothing further than to say, was there a payment given to them for voting? But when the payment is given for an attendance at the revising barrister's court, it is not within the express terms of the Act. It may very well be that there should be a payment for an attendance at the barrister's court, which should be *bonâ fide* for that purpose, and no other, and which is not meant by the Act of Parliament. From the fact of paying a person money for attending to be put upon the register, it is a matter of inference, that, doubtless, the persons who put the voter on the register expected him to vote for their party; no doubt that would be in their minds at the time. Doubtless, if you were to pay a man direct for being put upon the register, and to offer a reward for every person who would himself come and be registered by the Conservative Association or the Liberal Association, as the case might be, it would not be as a matter of law that that would be a bribe for a vote; but it would be a matter of very strong observation, and there would be reasonable ground for inferring that those who paid people belonging to any particular political party, for coming and being put upon the register did expect, as part of what they were paying for, that they were to vote for that party when the election came. It would be a matter of fact, not of law, but the inference would be strong from it. When it is merely repaying them what may be called almost money out of pocket, the loss of a day's work, the inference is by no means so strong. It might be so or it might not; in each case it would be a matter of inference, looking at the facts, and a very important fact would be, whether or no an election was pending, or close approaching. It would require looking at that to see whether it was really or not paid to induce the votes, or whether it was really and *bonâ fide* a repayment for money out of pocket. I certainly think that it would be a wise thing on the part of all people to avoid making such payments at any time, because, certainly, it is always open to the observation and inference that it may be for the corrupt purpose of inducing the vote, and may therefore be considered bribery.

In the present case, however, we have to go a great deal further than that. I think where it was *bonâ fide* it would not be a bribe; where it was intended to induce a vote, which would be a matter to be collected from the whole of the facts, it would be a bribe. In the present case I have to consider whether what was proved was such as to lead me to the conclusion that I ought to say that these payments were made to induce the vote. ¶

First, we have to look at the dates. The registration was held in September; the election was coming off in the middle of November. About the first week in November these payments were made. Five shillings is a very liberal day's pay, but not in itself necessarily a corrupt one, though it is estimating the day's wages pretty high, still it is not necessarily corrupt, though open to observation. It would almost appear that it was practically paid to everyone who would come forward and ask for it. It may be that it

Taunton.

was want of business habit; it may be that it was not intended, but no precaution seems to have been taken at all, except an endeavour to see that the man who came forward and claimed the 5s. was really a voter. No attempt seems to have been made to procure from the persons who came forward and had the 5s., any proof that if they had, in fact, attended the registration court; many of them I have no doubt had attended; many of them I have no doubt had not. I do not doubt, from the nature of the evidence, and the way in which it came out, that a great many (what number I cannot tell, but a considerable number) got the 5s. who had no claim at all to be the person, or to be claiming on behalf of the person in whose name they got it. I have very little doubt that there was a considerable quantity of embezzlement of the funds of the Conservative Association by persons who were not voters at all.

But that is not what I am concerned with at all at present, but to try to see what from the evidence is the conclusion which I ought to form of the motives of those who advanced the money. Now, when I find that a very considerable sum (we do not know with precision how much it was, certainly beyond 25*l.*; and there seems to be some reason to believe that it was something like 50*l.*) was paid to a large number of persons without any check at all to see that they really had done anything for it, with no precaution whatever, except to see that they were voters on the register, which they did endeavour to see; and that this payment was made a considerable time after the registration, and a very short time before the election came off, and made in this way to everybody who came forward to claim it; is there any reasonable ground for coming to any other conclusion than that the motive of those who advanced the money and paid it in that way was to induce persons to vote at the election? I have thought it over, and I cannot myself come to any other conclusion than that it was so.

If that be so, it is brought at once within the terms of the section I read, and the payments to those voters were payments made to induce the voter to vote; and, consequently, being made with that intention on the part of the person who paid it, they are bribery on the part of the payer of the money; whether or no they are corruption on the part of the person who receives it depends on another section. I may probably as well point out the difference between them at once. The 3rd section, the first part of it says, "every voter who shall before or during any election receive" (I pass over the words that do not bear upon this) "any money for voting or agreeing to vote, shall be deemed to be guilty of bribery." Now, it may very well be, as a matter of fact, that a person gives money (I have already said that I have come to the conclusion that persons did give money here) to all voters who would come forward and ask for it, saying and holding forth "this is paid for your loss of time at the revising barrister's court, and I will pay money for loss of time at the revising barrister's court to every voter who will come forward for it," having the full intention thereby to induce the voter to vote on his own side and in support of his own particular views; and yet it may so happen that the voter who comes forward and receives that 5s. does come forward honestly and *bonâ fide*, because he believes that he is entitled to the money for his loss of time; and if he honestly and *bonâ fide* comes forward in that way, I do not, as at present advised, think that it would be bribery on his part within the meaning of the clause. I need hardly point out that it is a question of fact, and as a general principle where a person comes forward to receive money which is given as a bribe, the general rule of evidence applies in all such cases one would naturally conclude very strongly that the persons took it as a bribe, though it by no means follows as a matter of law that it would be so, and in regard to this particular case there are many instances in which it would require a good deal of consideration to see whether it was so or not. Where a person has actually attended the revising barrister's court either because he was obliged to do so, or because he thought he was obliged to do so, and has actually lost a day's time in attending there (and the matter to be considered is a matter of fact to see whether that was so), it is not a very strained or unreasonable inference in his favour to say that he may have taken the 5s., unquestionably believing that he was entitled to it, and not believing it to be for his vote. Where, on the other hand, a man has not attended the revising barrister's court, but has literally done nothing for it, and has not a pretence or colour for it, he may (I will not say as a matter of law he may not) believe that he is entitled to receive 5s. for going there; but I think that there would be a very strong inference in such a case, and the natural inference would be that when he took the 5s., having nothing else to give for it but his vote, he took it for his vote; and his name would be struck off on a scrutiny. I need not say that in such a case the constituency would be concerned. We must necessarily look at every individual case by itself and see in the interests of the constituency, is this really a bad vote, and one which ought to be struck off so as to see what the majority of pure votes were? It is not an inquiry that I am particularly desirous to invite, but I feel bound to enter into it, case by case and name by name; and you, brother Ballantine and Mr. Rodwell, must consider for yourselves both of you, whether that can be done, and how far it can be done.

What I have just said may rather be considered as a parenthesis, and now I have to proceed with the second question as to whether or no there is sufficient evidence of the agency in this case. Now, upon that the rule of law has long been established, and has been ratified by acts as I think, that in Parliamentary matters we are not to consider the strict rule of common law agency generally established to this extent, that a person is responsible for his agent in all that he does within the scope of his authority, but is not responsible for anything that he does beyond the scope of his authority. There is one exception

exception in the case of the sheriff but I may pass that by. So that the common rule of law would be, if you employed a man to do an honest thing, and he chose to commit a crime, you would never be responsible criminally, but beyond that you would not be even responsible civilly for the crime committed when the instructions you gave him were to act as an honest man. But in Parliamentary election law it has long been established that, where a person has employed an agent for the purpose of procuring his election, he, the candidate, is responsible for the act of that agent in committing corruption, though he himself not only did not intend it or authorise it, but though *bonâ fide* he did his best to hinder it.

The rule must, at times, fall with great hardship upon particular persons. But I may just mention the considerations which no doubt led the common law, as I may call it, of Parliament, to establish it. Corruption, as we all know, in practice, and in fact, is seldom or never done by the hand of the candidate. The two modes in which it was found in practice that corruption was carried on, were, I take it, principally these: persons were put forward to do all the work of canvassing and conducting an election, who did it corruptly, the candidate purposely keeping himself out of knowledge of anything about the matter, or being kept by his friends purposely out of knowledge of the matter, so that he should have the full benefit of their services; and were it not for this rule which has been established he would not suffer for their misdeeds; he would put forward a person to be his agent, and conduct his election and win for him, telling him to do it by fair means; if the man won it by foul means he would have the benefit of it. That is one of the great reasons. Another great reason would be, that no doubt people were put forward, as to whom the candidate was carefully kept from knowing that they were spending any money, or doing anything, with the notion, according to the loose morality that prevailed in election matters, that when the time for petitioning was past, those persons might come to him and say, "I did spend that 1,000 *l.* for you upon the election; of course I did not tell you about it, or say a word about it, and now you are bound in honour to repay me that 1,000 *l.* of which you had the benefit," and which, in point of fact, the candidates did, I have no doubt, with some grumbling, feel themselves bound in honour to pay; accordingly that was another reason, that wherever a person was in such a relation to the candidate, that there would be reason to apprehend that in consequence following, there the Parliamentary law was a motive for declaring that the candidate should be responsible for the act of his agent. Those were the guiding principal motives that induced, I was going to say the enacting, of the law, but I should rather say the establishing of the law in practice.

Now comes the important and difficult question, to say what is the definition of agency, for which the candidate would be responsible; what relation between the candidate and the person who is shown to be guilty of a corrupt practice, would be sufficient to make the candidate responsible for that person's corrupt practice; and upon that I have, of course, done my best to find what others may have spoken about it, and have done my best to reflect upon it myself; and I am not able at present (and I rather doubt if in the nature of things it is possible) to give a precise definition of it. I think that all one can do is this, to say, that wherever a person is in any way allowed by a candidate, or has the candidate's sanction for it, to try to carry on his election and to act for him, that is some evidence to show that he is an agent. I think that we cannot come further (at least I have not been able to come further) than to say this: if in the ordinary course of things I had a jury to find the facts, I being a judge of the law, the direction I should give to the jury would be, to say, "All this is some evidence of agency; what I must say to you is to point out what I consider to be the reasons that have led to the law being established in this way;" in the present case the particular consideration would be, whether or no the agent had been doing so much for the candidate, whether there was so much *commodum* done that it would be just (using the Latin phrase quoted by Mr. Rodwell) to impose the onus upon him; I think I could not define it better than that I should say to a jury, "It is a question of more or less; it is the extent to which it goes. If there is evidence to show that the party is acting for the Member who is returned, then, I think, one should consider him to be an agent; if, taking the spirit and object of the rule, you think, bringing your common sense to bear upon it, that he was substantially an agent," I think that is all I could say to a jury; and then, as the Legislature have thought fit to make me both judge and jury, I must apply that guide as best I can myself. I at once see the great inconvenience of such a rule being laid down in this. If that be the proper guide to be taken, the law must be very uncertain. It is an old observation of Selden in his "Table Talk" upon Equity, as then administered, when there were no fixed rules, but according to the conscience of the Chancellor, that equity necessarily is as uncertain as a measure of length in which the writ was made the Chancellor's foot, because a Chancellor's conscience was as variable as the length of a Chancellor's foot; a remark with strong sense in it, and no doubt as applicable to the substantial common sense of an election judge as it was to the conscience of the Chancellor in those days. But I have been unable, after the best consideration I have been able to give to it, to devise any better rule. I shall be excessively glad, for my part, if the Legislature can find out a better rule and make an enactment to apply hereafter. I shall be excessively glad if other judges can discover a better rule. I have not yet been able to do so; but I must act as best I can, according to my light.

Then we have to see upon this particular case what the evidence comes to, and that is not excessively great. The evidence, I think, establishes this, that there was a Conser-

Taunton.

vative association, of which Mr. Turle and Mr. Sheppard were two members who were called by the petitioners. And I may observe at once that I think, as regards Mr. Turle and Mr. Sheppard, who were undoubtedly partisans, and might be expected to be partisans, on Mr. Serjeant Cox's side, though they were inclined to get a little irritated and angry under cross-examination, I did not see the slightest ground for doubting that they both honestly spoke the whole truth to the best of their knowledge and belief. I daresay there were little inaccuracies in what they said, and perhaps there were some matters not clearly explained; but I saw no reason to induce me to suppose they were not speaking the truth as honest witnesses. From their evidence I gather this: that this association was formed as a body for the purpose principally of conducting the registration, and also for the purpose of conducting the election. Whence they got the funds, or how they got the funds, those gentlemen were not able to tell us with any precision. The parties who could have told us have not been called, and we cannot tell where they got the funds, but they did get funds, and those funds were deposited in a bank; and the arrangement with the bank, no doubt, was to honour cheques that were presented signed, I am not quite sure whether by three members, of whom Mr. Turle was one, or whether by any one of those three, or any two of those three; but I have no doubt that the fact was that cheques upon the balance at the bank were to be signed by two or more of those members. Mr. Turle did sign the two cheques which were applied to the purpose of making the payments on this occasion; and he, after being examined both by Mr. Serjeant Ballantine and myself, was unable to say when it was agreed that the money should be paid, or who it was gave the directions that it was to be paid. The result was, that I drew the conclusion that the fact was that, though he signed the cheques, he was not the active member managing the matter; that, though he signed the cheques, he was directed, I suppose, by the secretary, Mr. Clarke; and when Mr. Clarke, the secretary, told him that it was right to sign the cheque, he took it upon his word, and signed it. I mention that as pointing to the conclusion I should draw from what Mr. Turle said, who knew but little more about it than that money in November was advanced, though whether it was 25 £, or, as would appear to be indicated by the ticks on the book, about 50 £, one cannot precisely tell. I may observe that one thing that leads me to believe that Turle and Sheppard were properly and honestly fulfilling their duty as witnesses, is the way in which that book was produced. It was unknown to the petitioners. It was suggested that there was a book. Mr. Turle answered, with every appearance of sincerity, that there was such a book. He said, "It may or may not be at my house." Then he was asked to go and look for it; and he did go and look for it, and found it, and brought it. That at once produced the impression upon my mind that he was honestly telling the truth. Had he said, as a partisan witness might have said, that the book was lost or destroyed, I might have entertained a different view of the matter. I pass that by. Then we find that this association was formed; that they took a room at No. 2, Hammett-street. When they took it does not precisely appear. The landlord said they entered into possession in October. It appears that that must be inaccurate, or else they were twice occupying the room, because it appears from the evidence both of the man Trent, who was the messenger, and Mr. Cross, the printer, that there were some of these things done in this room just before the registration in September; and I think it seems probable, from what one of the other witnesses said, that the room was really taken in August, and not in October, and that Mr. Norman made a mistake in the time. It is not impossible that the higher rent of 1 £ was to begin in October instead of August. At all events they took this room, and had this room at the time of the registration, and at the time of the election; and this thus appears, that during the election, in that room the association did all those things which would commonly be done by a committee for promoting an election. They issued circulars; people met there, and sent out circulars; they circulated papers from there, and had messengers there. Now, all this was done by them in this way; and it appears distinctly enough that it was done openly, and must have been over a considerable time. They were known to be actively acting on the canvass in favour of Mr. Serjeant Cox, and there was every probability that Mr. Serjeant Cox and his agents would know it, from its being a matter that there was no secret about.

Then, further, there is distinct evidence that at the time of the registration Mr. Cox's agents were aware of this association working there, and that they acted in concert with them, and helped them by sending circulars, and causing circulars to be printed, which were paid for by Mr. Sheppard. That does not come to very much, but it brings the thing to this point, which is the point upon which I think the important case turns. We have it that this body are acting as canvassers for Mr. Cox, actively acting in promoting the election at this time, and that fact, I think, we must fairly take it, was known to him and his people.

Now does that, without taking any more, raise a *prima facie* case which would call for an answer? I think it does. I think when it appears that things are done openly in that way, which in the ordinary course of things would not be done, except with the cognisance of a candidate who sanctioned them, the fair and natural inference, in the absence of proof to the contrary, would be that they were done by a person acting as agent for the candidate. If that be so, then there is some evidence arising upon that, and the principle of the chimney sweep's case, *Armory v. Delamirie*, 1 Smith's Leading Cases, at once applies very strongly. I am very far, indeed, from thinking that that evidence which I have mentioned would be conclusive at all. I think it was quite open to Mr. Cox himself and his agents, to have been called to show that they had no communication with that body; that

that they repudiated it, and if that repudiation was *bonâ fide*, they would not certainly be responsible for their acts. I should be sorry to lay down, for example, that every Liberal candidate in London should be responsible for the acts of the Reform League. Many similar cases might be supposed. The candidate may show that the body acting in that way was acting officiously for him, as I may call it, that it was not with his consent, and was against his will; but the presumption does arise, I think, that it was done in his favour, done for him, unless there be something to show the contrary. Then, taking it, as I said before, as a matter of common sense, looking to the substantial degree to which they went, I think the degree goes very far. I think, in this case, such a degree of benefit would be derived from their assistance, that their assistance was so important to the candidate, that it fairly establishes this, that if he took their assistance, did not hold them off, or repudiate them, he must abide the consequences, and be responsible for their malpractices. And, coming to that conclusion, it does establish this, I think, that the election of Mr. Serjeant Cox cannot stand, for this reason, that I think it is shown that those who were his agents were guilty of bribery in giving money with the intent to induce voters to vote.

I have already pointed out that the other question, whether or no that is to change the seat, must depend upon this: whether, upon going through the individual cases, and the individual votes, after striking off the bad ones on each side, the majority is turned. Upon that, as yet, I decide nothing.

Mr. Rodwell.] I feel bound to say after the very plain language your Lordship has used with reference to the acts of those parties who are said to have received money from Mr. Sheppard in respect of services not done, I should merely be keeping this case up unnecessarily, and it would be a waste of time in me to oppose Mr. James putting in at once a number of voters to give him a lawful majority, and therefore, for the sake of the public time, and upon every other consideration, whatever may be the result, I do not feel justified in struggling on after that decision, because of course it must affect a very large number of votes. I was only waiting to know what your decision was before I made that announcement; therefore I will just ask my learned friend to see which are those votes that come under the terms of your judgment, and then, I trust, that will save your Lordship and the public any further time.

Mr. Justice Blackburn.] Very well, that will make it of course much shorter.

Mr. Rodwell admitted that eight names ought to be struck off, being parochial relief cases, and also eight other names of non-residents.

The following names were also struck off:

James Sheppard, Edward Crawley, John Chiggey, Mark Besley, William Smith, Robert Hughes, Abraham Cann, James Edney, Henry Calbraith, John Dean, James Coles.

Four witnesses were examined, viz., Thomas Wood, William Littlejohn, William Tucker, and William Stuckey.

Mr. Justice Blackburn.] That turns the scale; I think that makes 29. The Act giving me no discretion; I must mention the names of all those witnesses, but as they have all spoken the truth, they will each be entitled to a certificate to relieve them from any responsibility. The only thing further to be done is, I must direct, as the petition has succeeded, that costs must be paid by the respondent. It is necessary also that I should mention in my Report to the Speaker, for the information of the House, that this corrupt practice has extensively prevailed; that there has been this extensive paying of money; but I shall also at the same time explain in my certificate what sort of corrupt practice it was, that it may be understood at once that it was not as if persons had been bribed by large sums. It is a corrupt practice which extensively prevailed, but probably the House would not look upon it as being so bad as other kinds of bribery. I think that is all I have to determine.

Mr. Rodwell.] Your Lordship has to declare your decision in regard to the scrutiny.

Mr. Justice Blackburn.] Of course my certificate will be that Mr. Serjeant Cox is unseated, and that Mr. James ought to have been seated, and ought to have been returned, and should be returned now.

JUDGMENTS ON ELECTION PETITIONS,

CHRONOLOGICALLY ARRANGED.

Name of Place.	Judges before whom Petition Tried, or Special Case Argued.	Date of Judgment.	Page.
1869 :			
1. Wexford Borough - - -	Lord Chief Justice Monahan - -	12 January - -	202
2. Windsor, New - - -	Mr. Justice Willes - - -	15 " - -	208
3. Norwich - - -	Mr. Baron Martin - - -	18 " - -	123
4. Drogheda - - -	Mr. Justice Keogh - - -	19 " - -	320
5. Guildford - - -	Mr. Justice Willes - - -	22 " - -	99
6. Bewdley (No. 1) - - -	Mr. Justice Blackburn - - -	25 " - -	6
7. Limerick City - - -	Mr. Baron Fitzgerald - - -	25 " - -	243
8. Carrickfergus - - -	Mr. Justice O'Brien - - -	26 " - -	219
9. { Bradford (No. 1)	Mr. Baron Martin - - -	29 " - -	35
{ Ditto - (No. 2)	Ditto - - -	2 February - -	35
10. Lichfield - - -	Mr. Justice Willes - - -	30 January - -	115
11. Belfast - - -	Mr. Baron Fitzgerald - - -	30 " - -	214
12. Dublin City - - -	Mr. Justice Keogh - - -	5 February - -	69
13. Warrington - - -	Mr. Baron Martin - - -	4 " - -	189
14. Westbury - - -	Mr. Justice Willes - - -	5 " - -	191
15. Wallingford - - -	Mr. Justice Blackburn - - -	6 " - -	184
16. Londonderry City - - -	Mr. Justice O'Brien - - -	9 " - -	249
17. Cheltenham - - -	Mr. Baron Martin - - -	10 " - -	46
18. Greenock - - -	Lord Barcaple - - -	13 " - -	91
19. Staleybridge - - -	Mr. Justice Blackburn - - -	13 " - -	156
20. Tamworth - - -	Mr. Justice Willes - - -	15 " - -	163
21. Westminster - - -	Mr. Baron Martin - - -	19 " - -	198
22. Cashel - - -	Mr. Baron Fitzgerald - - -	20 " - -	228
23. Coventry - - -	Mr. Justice Willes - - -	20 " - -	53
24. Sligo Borough - - -	Mr. Justice Keogh - - -	24 " - -	144
25. Bodmin - - -	Mr. Justice Willes - - -	24 " - -	25
26. Bridgwater - - -	Mr. Justice Blackburn - - -	26 " - -	44
27. Penryn and Falmouth - - -	Mr. Justice Willes - - -	26 " - -	128
28. Youghal - - -	Mr. Justice O'Brien - - -	2 March - -	304
	Lord Chief Justice Monahan - -	10 April - -	
	Mr. Justice O'Brien - - -	20 " - -	
29. Salford - - -	Mr. Baron Martin - - -	2 March - -	138
30. Galway Town - - -	Mr. Justice Keogh - - -	3 " - -	332
31. Taunton - - -	Mr. Justice Blackburn - - -	5 " - -	352
32. Wigan - - -	Mr. Baron Martin - - -	6 " - -	203
33. Beverley - - -	Ditto - - -	11 " - -	2
34. Hereford City - - -	Mr. Justice Blackburn - - -	15 " - -	106
35. Blackburn - - -	Mr. Justice Willes - - -	16 " - -	11
36. King's Lynn - - -	Mr. Baron Martin - - -	17 " - -	113
37. Oldham - - -	Mr. Justice Blackburn - - -	23 " - -	127
38. Dover - - -	Mr. Baron Martin - - -	23 " - -	69
39. Brecknock Borough - - -	Ditto - - -	9 April - -	219
40. Northallerton - - -	Mr. Justice Willes - - -	15 " - -	283
41. York County, West Riding (Southern Division).	Mr. Baron Martin - - -	15 " - -	303
42. Hastings - - -	Mr. Justice Blackburn - - -	17 " - -	235
43. Southampton Town - - -	Mr. Justice Willes - - -	23 " - -	289
44. Bewdley (No. 2) - - -	Mr. Justice Blackburn - - -	29 " - -	217
45. New Sarum - - -	Lord Chief Justice - - -	5 May - -	286
	Mr. Justice Willes - - -	5 " - -	
	Mr. Justice Montague Smith - -	5 " - -	
	Mr. Justice Brett - - -	5 " - -	
46. Manchester - - -	Mr. Justice Willes - - -	6 " - -	260
	Mr. Justice Montague Smith - -	6 " - -	
	Mr. Justice Brett - - -	6 " - -	
	Mr. Justice Blackburn - - -	6 " - -	
47. Stafford Borough - - -	Mr. Justice Blackburn - - -	13 " - -	295
48. Norfolk (Northern Division) -	Ditto - - -	24 " - -	269

COPY of CERTIFICATES and REPORTS received from the JUDGES Selected for the TRIAL of ELECTION PETITIONS, pursuant to the PARLIAMENTARY ELECTIONS ACT, 1868, and of PROCEEDINGS in the case of a double Return.

CONTENTS.

	PAGE		PAGE
Athlone - - - - -	363	Manchester - - - - -	404
Belfast - - - - -	366	New Sarum - - - - -	404
Bewdley (No. 1) - - - - -	361	New Windsor - - - - -	360
Bewdley (No. 2) - - - - -	403	Norfolk (Northern Division) - - - - -	405
Beverley - - - - -	384	Northallerton - - - - -	398
Blackburn - - - - -	388	Norwich - - - - -	365
Bodmin - - - - -	376	Oldham - - - - -	392
Boston - - - - -	401	Pembroke Borough - - - - -	394
Bradford (No. 1) - - - - -	370	Penryn - - - - -	377
Bradford (No. 2) - - - - -	371	Preston - - - - -	382
Bradford (No. 3) - - - - -	382	Salford - - - - -	378
Brecknock Borough - - - - -	396	Shrewsbury - - - - -	393
Bridgwater - - - - -	376	Sligo Borough - - - - -	379
Cambridge Borough - - - - -	390	Sligo County - - - - -	367
Carlisle Borough - - - - -	364	Southampton County (Southern Division)	
Carrickfergus - - - - -	373	(No. 1) - - - - -	396
Cashel - - - - -	378	Southampton County (Southern Division)	
Cheltenham - - - - -	369	(No. 2) - - - - -	402
Christchurch - - - - -	394	Southampton Town - - - - -	402
Coventry - - - - -	377	Stafford Borough - - - - -	406
Derby County (Northern Division) - - - - -	390	Stalybridge - - - - -	369
Dover - - - - -	393	Stockport - - - - -	368
Drogheda - - - - -	362	Tamworth - - - - -	374
Dublin City (No. 1) - - - - -	371	Taunton (No. 1) - - - - -	374
Dublin City (No. 2) - - - - -	372	Taunton (No. 2) - - - - -	380
Dumfries County - - - - -	362	Taunton (No. 3) - - - - -	391
Durham County (Southern Division) - - - - -	403	Thirsk - - - - -	391
Enniskillen - - - - -	366	Wallingford - - - - -	367
Galway Town - - - - -	383	Warrington - - - - -	369
Gloucester City - - - - -	382	Warwick County (Southern Division) - - - - -	405
Greenock - - - - -	373	Westbury - - - - -	368
Guildford - - - - -	361	Westminster - - - - -	375
Hartlepoons - - - - -	383	Wexford Borough - - - - -	360
Hastings (No. 1) - - - - -	398	Wick - - - - -	375
Hastings (No. 2) - - - - -	399	Wigan - - - - -	381
Hereford City - - - - -	388	York City (No. 1) - - - - -	392
Horsham (No. 1) (Double Return) - - - - -	395	York City (No. 2) - - - - -	395
Horsham (No. 2) - (Ditto) - - - - -	399. 404	York County, West Riding (Southern	
King's Lynn - - - - -	384	Division) (No. 1) - - - - -	397
Kingston-upon-Hull - - - - -	381	York County, West Riding (Southern	
Lichfield - - - - -	364	Division) (No. 2) - - - - -	397
Limerick City - - - - -	363	Youghal - - - - -	400
Londonderry City - - - - -	372		

COPY of CERTIFICATES and REPORTS received from the JUDGES Selected for the TRIAL of ELECTION PETITIONS, pursuant to the PARLIAMENTARY ELECTIONS ACT, 1868, and of PROCEEDINGS in the case of a double Return.

NEW WINDSOR ELECTION.

[Received 16 February 1869.]

Windsor, 15 January 1869.

New Windsor.

IN the Matter of a Petition to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by Robert Richardson Gardner, Esq., a candidate at the last Parliamentary Election for the Borough of New Windsor, against Roger Eykyn, Esq., who was upon that occasion elected and returned; which Petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Roger Eykyn was not duly elected, and ought not to have been returned, and that the said Robert Richardson Gardner was duly elected, and ought to have been returned, or that the election was void; I, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said Petition, do certify and report as follows:—

1. That Roger Eykyn, the Member whose return is complained of by the petition, was duly elected and returned.

2. That no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at such election.

3. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

4. After the close of the petitioner's case, and the address of the respondent's counsel in answer thereto, the petitioner's counsel stated in effect that his client, the petitioner, felt that the charge of corrupt practices was not made out against the respondent, and that the petitioner did not desire to proceed to a scrutiny.

5. Whereupon, and after hearing the examination of the respondent and two of his alleged agents, I was satisfied that the course taken was not the result of compromise; and I did not require the counsel for the respondent to proceed further, nor did I consider it my duty to initiate a general inquiry into the proceedings at the election.

To the Right Honourable
the Speaker of the House of Commons.

J. S. WILLES.

WEXFORD BOROUGH ELECTION.

[Received 16 February 1869.]

Wexford.

COURT OF COMMON PLEAS, IRELAND.

IN the Matter of the Petition of John Sutton, Thomas Edward Cavanagh, John Wheelock, James Jones, Patrick Brian, Michael Hughes, Petitioners; Richard Joseph Devereux, Respondent.

THE petition in this matter was duly presented to this court; and it appearing to the court that the case raised by the said petition could be conveniently stated as a special case, such case was so stated, a copy of which is annexed hereto, and the same was duly heard on this day before the court; and thereupon the court determined as follows:—

First. That the said Richard Joseph Devereux was not duly elected.

Second. That the said Standish Motte was not duly elected.

Third. That the said election was void.

And the court doth accordingly hereby certify to the Right Honourable the Speaker of the House of Commons,—

First. That the said Richard Devereux was not duly elected.

Second. That the said Standish Motte was not duly elected.

Third. That the said election for the borough of Wexford was a void election.

Dated this 12th day of January 1869.

Signed on behalf of the court,

JAMES HENRY MONAHAN,

Chief Justice, C. P.

GUILDFORD ELECTION.

[Received 16 February 1869.]

Judges' Chambers, 23 January 1869.

Guildford.

IN the Matter of a Petition presented to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by William Edward Elkins and others, being persons entitled to vote at the last Parliamentary Election for the Borough of Guildford, against Guildford Hillier Mainwaring Ellerker Onslow, Esq., who was upon that occasion elected and returned; which Petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Guildford Hillier Mainwaring Ellerker Onslow, Esq., was not duly elected, and that the election was void.

I, SIR JAMES SHAW WILLES, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report as follows:—

1. That Guildford Hillier Mainwaring Ellerker Onslow, Esq., the Member whose return is complained of by the petition, was duly elected and returned.

2. That no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at such election.

3. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

4. That James Corson and John Glynn, whose names were upon the register of voters, but who had ceased to reside, were induced to vote for the sitting Member by a promise of their expenses, conditional upon their so voting, made by Robert William Handford, and that after their voting they asked and received from him, in pursuance of that promise, each 5*l.*, being more than their respective expenses. It did not, however, appear that Handford knew of the excess, or meant corruptly to reward them by an overpayment.

To the Right Honourable
the Speaker of the House of Commons.

J. S. WILLES.

BEWDLEY ELECTION.—(No. 1.)

[Received 16 February 1869.]

COURT for the Trial of an Election Petition for the Borough of Bewdley, in the County of Worcester, between Charles Sturge and John Baldwin, Petitioners; and Sir Richard Attwood Glass, Respondent.

Bewdley (No. 1.)

Sir,

Bewdley, 25 January 1869.

IN compliance with the directions of "The Parliamentary Elections Act, 1868," I hereby certify that the above-named Sir Richard Attwood Glass was not duly elected, and that the above election was void.

And I report that it was not proved that any corrupt practice had been committed with the knowledge and consent of any candidate at the above election.

That Robert Acton Pardoe, attorney-at-law, an agent for Sir Richard Attwood Glass, and George Baker Burmish, also an agent for Sir Richard Attwood Glass, were guilty of corrupt treating at the said election.

That Stephen Fort accepted a bribe of 10*s.* from one John Taylor, to induce him to vote for Sir Richard Attwood Glass, and afterwards voted against him.

That James Hunt was bribed to vote for Sir Richard Attwood Glass by 5*l.*, advanced to him as a loan by Christopher Pountney.

That Abram John Hamer was bribed to vote for Sir Richard Attwood Glass, but it was not proved who gave the bribe, or how much it was.

That Isaac Leverton, Herbert Burton, and Richard Millington, being at Bristol, were induced to come to Bewdley to vote for Sir Richard Attwood Glass by having their expenses from Bristol and back paid them, and would not have voted had this not been done. That it was not proved who advanced the money; nor did it appear that the money paid them, though it was an illegal payment, exceeded the reasonable expenses, so as to be a cloak for what, in popular language, would be called bribery.

That it was proved that corrupt treating by opening public-houses did extensively prevail at the election.

No evidence was given of any treating on behalf of Mr. Lloyd, the unsuccessful candidate.

Bewdley (No. 1).

That it was proved that a practice extensively prevailed, on both sides, of employing and paying a large number of persons as what was called "watchers," who rendered no service of any value in return. That this practice appears to have been kept up at Bewdley because it was formerly the practice at old elections, and is very objectionable, for the same reasons as those which have induced the Legislature to prohibit treating.

There is reason to believe that the payments were made to influence voters connected with the watchers; and also, that voters themselves were so employed, though no proof was given of any voter having been actually paid.

There was no reason to believe that direct bribery extensively prevailed at the election.

I have, &c.

COLIN BLACKBURN,
Judge of the said Court.

To the Right Honourable the Speaker.

DUMFRIES COUNTY ELECTION.

[Received 16 February 1869.]

Edinburgh, 26 January 1869.

Dumfries.

IN the Petition of Major George Gustavus Walker to have the election of Sir Sydney Hedley Waterlow, Knight, as Member of Parliament for the County of Dumfries, in November 1868, set aside as void.

THE report of Lord Cowan, one of the election judges for Scotland.

This petition was lodged with the prescribed officer on the 14th of December 1868.

The trial of the petition was fixed for Monday the 1st of February 1869.

Thereafter an application having been made by the petitioner to withdraw the petition, the parties were heard upon this application before me on the 22nd of January 1869, and after due notice no other party having appeared proposing that he should be substituted as petitioner, the petition was of same date held to be withdrawn, the petitioner being found liable in costs to the respondent in terms of the statute.

I have further to report that the withdrawal of this petition was not, in my opinion, the result of any arrangement between the petitioner and respondent, or any other party, and that there was no petition against the return of Sir Sydney Hedley Waterlow, as Member of Parliament for the county of Dumfries, other than that by Major Walker, withdrawn, as aforesaid.

To the Right Honourable
the Speaker of the House of Commons.

JOHN COWAN.

DROGHEDA ELECTION.

[Received 16 February 1869.]

Drogheda.

COURT for the Trial of an Election Petition for the Borough of Drogheda, between Sir F. Leopold M'Clintock, Petitioner, and Benjamin Whitworth, Respondent.

THE petition between the aforesaid parties came on for trial before me at Drogheda on the 15th, 16th, 18th, and 19th days of January 1869; and thereupon I determined as follows:—

First. That Benjamin Whitworth, Esq., is not duly elected a Burgess to serve in the present Parliament for the borough and county of the town of Drogheda.

Second. That said election for said borough and county of the town of Drogheda is a void election.

Third. That Benjamin Whitworth, Esq., was by himself and by his agents guilty of undue influence at the said election for said borough and county of the town of Drogheda.

Fourth. That a system of intimidation was organised and carried out at the last election for the said borough and county of the town of Drogheda, subversive of the freedom of election; and outrages were committed which were calculated to deter, and did, in fact, deter, a considerable number of voters from exercising their franchise at the last election.

Fifth. That Benjamin Whitworth, Esq., shall pay the costs of this petition.

And

And I do accordingly hereby certify to the Right Honourable the Speaker of the House of Commons,—

Drogheda.

First. That the said Benjamin Whitworth, Esq., is not duly elected a Burgess to serve in the present Parliament for the borough and county of the town of Drogheda.

Second. That said election for said borough and county of the town of Drogheda is a void election.

Third. That Benjamin Whitworth, Esq., was by himself and by his agents guilty of undue influence at the said election for said borough and county of the town of Drogheda.

Fourth. That a system of intimidation was organised and carried out at the last election for the said borough and county of the town of Drogheda, subversive of the freedom of election; and outrages were committed which were calculated to deter, and did, in fact, deter, a considerable number of voters from exercising their franchise at the last election for said borough of the county of the town of Drogheda.

Dated this 25th day of January 1869.

WILLIAM KEOGH,
One of the Judges on the Rota for the Trial of
Election Petitions in Ireland.

This certificate is accompanied by a copy of the evidence given at the trial, as taken by the shorthand writer of the House of Commons, sworn by me, pursuant to the Statute.

WILLIAM KEOGH.

LIMERICK CITY ELECTION.

[Received 16 February 1869.]

IN the Matter of an Election Petition for the Borough of Limerick, between Daniel Ryan, Thomas McKnight, Mathew Brennan, Robert Stacpool, Thomas McNamara, and Denis Grimes, Petitioners; and George Gavin and Francis William Russell, Respondents.

Limerick.

I DO hereby certify to the Right Honourable the Speaker that a court for the trial of the above petition was holden before me at Limerick on the 19th, 20th, 21st, 22nd, 23rd, and 25th days of January 1869, and that at the conclusion of the trial on the said 25th day of January, I determined that the said George Gavin and Francis William Russell were both duly elected as Members to serve in Parliament for the county of the city of Limerick, being the borough aforesaid.

And I do hereby further report that no corrupt practice was proved to have been committed by, or with the knowledge and consent of, any candidate at such election, and that I have no reason to believe that corrupt practices extensively prevailed at the said election.

A copy of the said petition, and a copy of the evidence given at the trial, as taken by the deputy of the shorthand writer of the House of Commons, pursuant to the said Act, accompany this my certificate.

Given under my hand at Dublin on this 26th day of January 1869.

F. A. FITZGERALD,
A Baron of the Exchequer in Ireland, and one
of the Judges for the time being for the Trial
of Election Petitions in Ireland, pursuant to
"The Parliamentary Elections Act, 1868."

ATHLONE ELECTION.

[Received 16 February 1869.]

COURT OF COMMONS PLEAS, IRELAND.

Athlone.

IN the Matter of the Petition of John Stamford, Esq., of Jermyn-street, Middlesex, Petitioner; John James Ennis, Esq., Respondent.

THE said Court of Common Pleas, in pursuance of the provisions of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons,—

That the petition in this matter, a copy of which is hereunto annexed, was duly presented to this court on the 17th day of December 1868.

And that the petitioner, on the 27th day of January instant, applied to the court, by special application, pursuant to the said statute, for leave to withdraw said petition.

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3 A 4

And

Athlone.

And it appearing to the court that the notice of the said application required by said Act had been given in the said borough, and no person having applied to be substituted as petitioner instead of the said John Stamford,

The court, on said 27th day of January, made an order permitting the said petition to be withdrawn, and same has been withdrawn accordingly.

And the court do hereby report to the Right Honourable the Speaker of the House of Commons, that, in their opinion, the withdrawal of said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

Signed on behalf of the court this 29th day of January 1869.

JAMES HENRY MONAHAN,
Chief Justice Common Pleas.

To the Right Honourable
the Speaker of the House of Commons.

LICHFIELD ELECTION.

[Received 16 February 1869.]

Lichfield.

Common Pleas Chamber, 1 February 1869.

IN the Matter of a Petition to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by the Honourable Augustus Henry Archibald Anson, a candidate at the last Parliamentary Election for the City of Lichfield, against Richard Dyott, Esq., who was upon that occasion elected and returned; which Petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Richard Dyott was not duly elected, and ought not to have been returned, and that the said Augustus Henry Archibald Anson was duly elected, and ought to have been returned, or that the election was void.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the trial of Election Petitions in England, having heard and determined the said petition, do certify and report as follows:

1. Richard Dyott, Esq., the Member whose return is complained of by the petition, was duly elected and returned.
2. No corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at such election.
3. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that they have, extensively prevailed at the election.

To the Right Honourable
the Speaker of the House of Commons.

J. S. WILLES.

CARLOW BOROUGH ELECTION.

[Received 16 February 1869.]

Carlow Borough.

COURT OF COMMON PLEAS, IRELAND.

IN the Matter of the Petition of Richard Boardman, of Carlow, wheelwright and carpenter, Petitioner; and William Fagan, Esq., Respondent.

THE said Court of Common Pleas, in pursuance of the provisions of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons,—

That the petition in this matter was duly presented to this court on the 16th day of December 1868, and that the petitioner, on the 26th day of January instant, applied to the court by special application, pursuant to the said statute, for leave to withdraw said petition.

And it appearing to the court that the notice of the said application required by said Act had been given in the said borough, and no person having applied to be substituted as petitioner instead of the said Richard Boardman,

The court, on said 26th day of January, made an order permitting the said petition to be withdrawn, and same has been withdrawn accordingly.

And the court do hereby report to the Right Honourable the Speaker of the House of Commons that, in their opinion, the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

Signed on behalf of the court this 29th day of January 1869.

JAMES HENRY MONAHAN,
Chief Justice Common Pleas.

To the Right Honourable
the Speaker of the House of Commons.

NORWICH ELECTION.

[Received 16 February 1869.]

22 January 1869.

Norwich.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify,—

1. That upon the 14th day of January instant and several days following, I duly held a court at Norwich for the trial of, and did try, the election petition for the city of Norwich, between Jacob Henry Tillett, petitioner, and Sir Henry Josias Stracey, respondent.

2. And, in further pursuance of the said Act, I certify that, at the conclusion of the said trial, I determined that the said Sir Henry Josias Stracey, being the Member whose return and election were complained of in the said petition, was not duly elected, and that his election was void; and I do hereby certify in writing such my determination to you.

3. And whereas charges were made in the said petition of corrupt practices having been committed at said election; in further pursuance of said Act I report as follows:—

4. That no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any of the candidates at the said election; and, further, that it was proved to my satisfaction that neither the said Sir Henry Josias Stracey, or the other candidates at the said election, had any personal knowledge of, or connection whatever with, bribery or any other illegal or corrupt practice.

5. And I further report, that the names of persons who were proved at the trial to have been guilty of corrupt practices are Robert Hardiment, Arthur Hunt, Robert Callow, and Thomas Hutchings.

6. And I further report, that corrupt practices did prevail at the said election, and that there is reason to believe that corrupt practices did extensively prevail at the same, and that they were of the nature stated in my special report, which follows.

7. And I do further, in pursuance of the said Act, make this special report as to matters which arose in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

At the middle of the day of polling Sir William Russell and Mr. Tillett, the Liberal candidates, had a considerable majority, and there is no reason to believe that up to this time any corrupt vote had been given on either side; but from thence until the close of the poll I believe that bribery was extensively committed in order to procure the election of Sir Henry Josias Stracey. So far as the evidence went, the voters who were bribed were of one class, viz., workmen or labourers for daily wages. These people did not go to work that day, but collected in considerable numbers in and about public-houses and beershops, and there waited to be bribed. Some of them either of themselves thought, or it was suggested to them by others, that it was reasonable and just they should be paid their day's wages by the candidate for whom they voted. It may be that in some instances this feeling was honestly entertained, but in the great majority of instances it was a mere pretext in order to obtain bribes. A number of these voters went to the poll in a gross state of drunkenness, some of them so drunk as not to know for whom they came to vote; and I have no doubt that a very considerable number of bribed voters gave their votes between two and four o'clock of the day of polling. I expected that there would have been a scrutiny, but it was abandoned on behalf of Mr. Tillett, and I am, therefore, unable to state the number of bribed voters. I am also unable to state who the bribers were, with the exception of the man Hardiment, who absconded after the petition was presented, and the man Arthur Hunt, who was examined at the trial. Another man, called Warledge, also absconded after the petition was presented, and he, probably, was extensively employed in bribing. The sum paid to each bribed voter was small. One pound to each was the sum proved to have been paid by Hardiment, and seven shillings and sixpence each to the voters bribed by Hunt. I am also unable to state what amount of money was spent in bribery, and I failed to obtain any information as to the source from whence the money came, or the persons by whom it was supplied to the bribers; but I believe that there was a corrupt agency at Norwich by which the money was supplied. Both Sir H. J. Stracey and a gentleman (Mr. Patterson) who was an active supporter of his, and also Mr. Chittock, the election agent for Sir Henry, all stated upon their examinations that they did not know, and had no suspicion, from what source or quarter the money used in bribery came. I regret that I am unable to give further information upon this matter; but the trial before me was confined to evidence as to bribery (one instance being sufficient) on behalf of Sir H. J. Stracey or an agent for whom he was responsible, or by Mr. Tillett or an agent for whom he was responsible. The case of general bribery, therefore, arose only incidentally. If it be deemed right to have this matter further investigated, it can only be done under the provisions of the 15 & 16 Vict. c. 57.

The claim to the seat by Mr. Tillett was abandoned for reasons satisfactory to me; and I believe the election was, on his part, perfectly pure.

Norwich.

A copy of the evidence, taken by the deputy of the shorthand writer of the House Commons, accompanies this my certificate.

SAMUEL MARTIN.

To the Right Honourable
the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, the Judge who tried the said election petition, and made my report to you of my determination thereon, dated 22nd January 1869, further report that I determined that Sir Henry Josias Stracey, Baronet, was not duly elected, and that his election was void, because he, by his agent, was guilty of bribery at the said election.

SAMUEL MARTIN.

To the Right Honourable
the Speaker of the House of Commons.

BELFAST ELECTION.

[Received 16 February 1869.]

Belfast.

IN the Matter of an Election Petition for the Borough of Belfast, between James M'Tier and Charles Murray Arundell, Petitioners; and Thomas M'Clure, Respondent.

I do hereby certify to the Right Honourable the Speaker that a court for the trial of the above-named petition was holden before me, at Belfast, on the 27th, 28th, 29th, and 30th days of January 1869, and that, at the conclusion of the said trial, I did, on the said 30th day of January 1869, determine—

That the said Thomas M'Clure was duly elected to serve as a Member of Parliament for the said borough, at the election in the said petition mentioned.

And, in addition to the said certificate, I do hereby further report:

That no corrupt practice has been proved to have been committed by, or with the knowledge and consent of, any candidate at such election; and

That I have no reason to believe that corrupt practices have extensively prevailed at such election.

A copy of the petition and a copy of the evidence given at the trial, taken down by the deputy of the shorthand writer of the House of Commons, accompany this my certificate.

Given under my hand this 2nd day of February 1869.

F. A. FITZGERALD,

A Baron of the Exchequer in Ireland, and one of the Judges for the time being for the Trial of Election Petitions in Ireland, pursuant to "The Parliamentary Elections Act, 1868."

ENNISKILLEN ELECTION.

[Received 16 February 1869.]

Enniskillen.

COURT OF COMMON PLEAS, IRELAND.

IN the Matter of the Petition of George Kittson, of Enniskillen, and of Thomas Johnston, of Enniskillen, Petitioners; and John Henry Viscount Crichton, Respondent.

THE said Court of Common Pleas, in pursuance of the provisions of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons,—

That the petition in this matter was duly presented to this court on the 17th day of December 1868; and that the petitioners, on the 29th day of January instant, applied to the court by special application, pursuant to the said statute, for leave to withdraw said petition.

And it appearing to the court that the notice of the said application required by said Act had been given in the said borough, and no person having applied to be substituted as petitioner instead of the said George Kittson and Thomas Johnston,

The court, on the said 29th day of January, made an order permitting the said petition to be withdrawn, and same has been withdrawn accordingly.

And

And the court do hereby report to the Right Honourable the Speaker of the House of Commons, that in their opinion the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.
Signed on behalf of the court, this 3rd day of February 1869.

Enniskillen.
—

JAMES HENRY MONAHAN,
Chief Justice of the Court of Common Pleas.

To the Right Honourable
the Speaker of the House of Commons.

SLIGO COUNTY ELECTION.

[Received 16 February 1869.]

COURT OF COMMON PLEAS, IRELAND.

Sligo.
—

John Hannon, of Monasteredan, in the County of Sligo, and James Casey, of Falleens, in said County, Farmers, Petitioners; Sir Robert Gore Booth, Bart., Respondent.

Henry Griffith, of Killery, in the County of Sligo. D.L., J.P., Petitioner; Denis Maurice O'Connor, Esq., Respondent.

THE said Court of Common Pleas, in pursuance of the 36th section of said Act, do hereby report to the Right Honourable the Speaker of the House of Commons, that the petitions in these matters were duly presented to this court on the 29th December 1868.

And that the petitioners, in each of the said matters, on the 1st day of February instant, applied to this court by special application, pursuant to the said statute, for leave to withdraw their respective petitions.

And it appearing to the court that the notices of said applications required by said Act had been given in the said county, and no person having applied to be substituted as petitioner in either of said matters instead of the said John Hannon and James Casey, or of the said Henry Griffith,

The court, on said 1st day of February, made orders permitting said petitions to be withdrawn, and same have been withdrawn accordingly.

And the court do hereby report to the Right Honourable the Speaker of the House of Commons, that in their opinion the withdrawal of said petitions was not the result of any corrupt arrangement, but that the parties, not having evidence to sustain either petitions, mutually resolved to withdraw the same.

Signed on behalf of the court, this 4th day of February 1869.

JAMES HENRY MONAHAN,
Chief Justice of the Court of Common Pleas,
Ireland.

To the Right Honourable
the Speaker of the House of Commons.

WALLINGFORD ELECTION.

[Received 16 February 1869.]

COURT for the Trial of the Election Petition for the Borough of Wallingford, between Sir Charles Wentworth Dilke, Petitioner, and Stanley Vickers, Esq., Respondent.

Wallingford.
—

Sir, Wallingford, 6 February 1869.

IN compliance with the directions of "The Parliamentary Elections Act, 1868," I beg to certify that I have determined that Stanley Vickers, Esq., the Member whose return is complained of, was duly returned and elected.

And I further beg to report that no corrupt practice has been proved to exist, nor is there reason to believe that corrupt practices have extensively prevailed, at the election to which this petition relates.

I have, &c.
COLIN BLACKBURN,
Election Judge.

To the Right Honourable the Speaker.

WESTBURY ELECTION.

[Received 16 February 1869.]

Westbury.

Common Pleas Chamber, 6 February 1869.

IN the Matter of a Petition presented to the Court of Common Pleas, under "The Parliamentary Elections Act, 1868," by Abraham Laverton, a candidate at the last Parliamentary Election for the Borough of Westbury, against John Lewis Phipps, Esq., who was upon that occasion elected and returned, which Petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said John Lewis Phipps was not duly elected or returned; and that the election and return was wholly null and void, and that the said Abraham Laverton was duly elected, and ought to have been returned.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:—

1. John Lewis Phipps, Esq., the Member whose election and return are complained of by the petition, was not duly elected and returned, and the election was void.

2. Joseph Harrop, of Westbury, cloth manufacturer, one of the committee of the said John Lewis Phipps, and an agent for whose conduct the said John Lewis Phipps was in point of law responsible, was as such agent guilty of undue influence at the election within the meaning of "The Corrupt Practices Prevention Act, 1854;" and did, in canvassing the workmen in his employ, who were voters, and had a right to vote at the election, practise intimidation upon them in order to induce them either to vote for the said John Lewis Phipps, or, if they did not so vote, then to refrain from voting at the said election; and by reason of the conduct of the said Joseph Harrop, the said John Lewis Phipps was by his agent, but not personally, guilty of undue influence at such election within the meaning of "The Corrupt Practices Prevention Act, 1854," section 36.

3. No corrupt practice was proved to have been committed by, or with the knowledge and consent of, the said John Lewis Phipps, or any candidate at such election.

4. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that they have, extensively prevailed at the election.

5. The petitioner abandoned, and there was no evidence to sustain the prayer of the petition, that he should be declared to have been duly elected; and the said election has therefore become, was, and is, wholly null and void.

J. S. WILLES.

To the Right Honourable
the Speaker of the House of Commons.

STOCKPORT ELECTION.

[Received 16 February 1869.]

Stockport.

IN the Matter of two Election Petitions for the Borough of Stockport, between James Walton, Esq., of Stockport, and William Jones, of Stockport, Petitioners, and John Benjamin Smith, Esq., Respondent; and Ephraim Hallam, Esq., of Oakfield Hall, near Stockport, and John Eskrigge, Esq., of Stockport, Petitioners, and William Tipping, Respondent.

Judges' Chambers, Chancery-lane,
8 February 1869.

Sir,

IN the above petitions I have given leave to the petitioners in each case to withdraw the petition; and, in compliance with the 36th section of "The Parliamentary Elections Act, 1868," I beg to report that, after causing full notice to be given in the borough of Stockport of the time and place at which the application was to be heard, no person appeared before me to give any evidence showing that the withdrawal of the petitions was the result of any corrupt arrangement, or that the withdrawal of one petition was in consideration of the withdrawal of the other; and the petitioners and respondents in each case, being required by me so to do, made affidavit that, according to their knowledge, information, and belief, no such arrangement or consideration existed.

I think it impossible that such matters could exist without their or some of them knowing, being informed, or believing that they existed.

I therefore report that in my opinion the withdrawal of those petitions was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

I have the honour to be,

COLIN BLACKBURN,
Election Judge.

To the Right Honourable the Speaker.

STALYBRIDGE ELECTION.

[Received 16 February 1869.]

COURT for the Trial of an Election Petition for the Borough of Stalybridge, between James Ogden, John Wooley, and Abel Buckley, Petitioners; and James Sidebottom, Esq., Respondent.

Stalybridge.

Sir,

Stalybridge, 13 February 1869.

I HEREBY certify that at the trial of the above election petition I determined that James Sidebottom, Esq., the Member whose return and election is complained of, was duly returned and elected.

And in compliance with the directions of "The Parliamentary Elections Act, 1868," section 11, I report—

(a.) That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(b.) That it was proved at the trial that Richard Evans and Thomas Gilbert were bribed to vote for the said James Sidebottom, Esq., by a promise made by Joseph Thornely, that, if they did so, their day's wages should be made good to them; but that the said bribe was not by an agent of the said James Sidebottom, Esq.

(c.) That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN,

Election Judge.

To the Right Honourable the Speaker.

WARRINGTON ELECTION.

[Received 16 February 1869.]

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby certify, in pursuance of the said Act, that, upon the 3rd day of February instant (1869) and the following day, I duly held a court at Warrington, in the counties of Lancaster and Chester, for the trial of, and did try, the election petition for the borough of Warrington aforesaid, between Miles Crozier and others, Petitioners, and Peter Rylands Respondent.

Warrington.

And, in further pursuance of the said Act, I certify that, at the conclusion of the said trial, I determined that the said Peter Rylands, being the Member whose election and return were complained of in the said petition, was duly elected and returned, and that the election for the said borough, held on the 17th day of November last, was not void as alleged in the said petition, but was a valid election, and I do certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I report, in further pursuance of the said Act, as follows:—

That upon the trial of the said petition no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at the said election.

And I further, in pursuance of the said Act, report that upon the trial of the said petition there was not evidence before me that corrupt practices prevailed at the said election.

To the Right Honourable
the Speaker of the House of Commons.

SAMUEL MARTIN.

CHELTENHAM ELECTION.

[Received 16 February 1869.]

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that, upon the 8th day of February instant (1869), and several days following, I duly held a court at Cheltenham, in the county of Gloucester, for the trial of, and did try, the election petition for the borough of Cheltenham aforesaid, between James Tynte Agg Gardner, Petitioner; and Henry Bernhard Samuelson, Respondent.

Cheltenham.

Cheltenham.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Henry Bernhard Samuelson, being the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And, I further report, in pursuance of the said Act, that upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said election.

To the Right Honourable
the Speaker of the House of Commons.

SAMUEL MARTIN.

BRADFORD ELECTION. (No. 1.)

[Received 16 February 1869.]

Bradford, (No. 1.)

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that, upon the 25th day of January 1869, and several days following, I duly held a court at Bradford, in the county of York, for the trial of, and did try, the election petition for the borough of Bradford aforesaid, between John Haley and others, Petitioners, and Henry William Ripley, respondent.

And, in further pursuance of the said Act, I certify that, at the conclusion of the said trial, I determined that the said Henry William Ripley, being the Member whose election and return were complained of in the said petition, was not duly elected, and that his election was void, because he, by his agents, was guilty of treating at the said election, contrary to the statutes in such case made and provided; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, in further pursuance of the said Act I report as follows:—

That, upon the trial of the said petition, no corrupt practice was proved to have been committed by, or with the knowledge and consent of, any of the candidates at the said election.

And, in pursuance of the said Act, I further report that the persons who were proved at the trial to have been guilty of corrupt practices are Edward Kitcheman, Jeremiah Ryan, William Bowen, Michael Lamb, Michael Coyne, William Luby, Patrick Dwyer, John Young, James Corkran, John Hoare, Richard Duffy, John Bray, James Rowney, James Tidswell, Robert Conroy, William Hinnigan, James Burke, Bryan O'Neile, Michael Manton, John Walsh, Patrick Murphy, William Handy, Samuel Abel, and Joseph Gibson.

And, in further pursuance of the said Act, I report that, upon the evidence before me, there was no reason to believe that corrupt practices extensively prevailed at the election to which the said petition relates, except as stated in my special report.

And, in further pursuance of the said Act, I make this special report as to matters which arose in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

It was proved that the said Henry William Ripley had opened an unlimited credit at his bankers in favour of his agent, who availed himself of it to the extent of upwards of 7,200 £, and who sent in to the returning officer a mere abstract of totals of outlay unaccompanied by vouchers, and that this was knowingly done contrary to the Statute 26 & 27 Vict. c. 29, s. 4. That, in one ward of the said borough, inhabited principally by Irishmen of the working class, large numbers were influenced by corrupt practices committed by the agents of the said Henry William Ripley, and that upwards of 100 public-houses and beer-houses were opened as committee-rooms, or pretended committee-rooms, in the interest of the said Henry William Ripley, where drink, without payment, was supplied to voters which was afterwards paid for by the agents of the said Henry William Ripley.

To the Right Honourable
the Speaker of the House of Commons.

SAMUEL MARTIN.

BRADFORD ELECTION. (No. 2.)

[Received 16 February 1869.]

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify, that upon the 29th day of January 1869, and several days following, I duly held a court at Bradford, in the county of York, for the trial of, and did try, the election petition for the Borough of Bradford aforesaid, between Samuel Storey and Thomas Garnett, Petitioners; and William Edward Forster, Respondent.

Bradford. (No 2.)

And, in further pursuance of the said Act, I certify that, at the conclusion of the said trial, I determined that the said William Edward Forster, the Member whose election and return were complained of in the said petition, was duly elected and returned, and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I report, in further pursuance of the said Act, as follows:—

That upon the trial of the said petition no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any of the candidates at the said election.

And I further, in pursuance of the said Act, report that, upon the trial of this petition, there was not evidence before me that corrupt practices prevailed at the said election.

To the Right Honourable
the Speaker of the House of Commons.

SAMUEL MARTIN.

DUBLIN CITY ELECTION. (No. 1.)

[Received 16 February 1869.]

In the Matter of the Petition of George Foley and Thomas Woodlock, Petitioners; Sir Arthur Edward Guinness, Bart., Respondent. Dublin City. (No. 1.)

THE matter of this petition came on to be tried before me at Dublin, on the 23rd day of January last, and continued on 10 succeeding days, in presence of the parties, their counsel, and agents; and, having heard the evidence and what was offered on both sides, at the conclusion of the trial, on the 5th day of February 1869, I determined, and I do accordingly certify to the Right Honourable the Speaker of the House of Commons, that the last election for the said county of the city of Dublin was, so far as related to the return of the said Sir Arthur Edward Guinness, Bart., a void election, and

That the said Sir Arthur Edward Guinness, Bart., was not duly elected to serve in Parliament for the said county of the city of Dublin.

That the said Sir Arthur Edward Guinness, Bart., was, by his agents, guilty of bribery at said election; and I do hereby report that it has not been proved before me that such bribery was committed by, or with the knowledge or consent of, the said Sir Arthur Edward Guinness, Bart.; and I do further report—

That the following freemen electors (that is to say), John Frederick Kirk, Richard Butler, junior, William Walker, George Hagarty, William Beckett, Henry Bailey, John Wilson, Robert Wilson, Benjamin Katherens, otherwise Catherens, Michael Richard Steele, and Joseph Hassett, were bribed on the day of polling to vote, or in consideration of having voted, for the said Sir Arthur Edward Guinness, Bart.

That, in addition to the persons whose names I have so reported, it was proved that from 20 to 30 other freemen, whose names were not disclosed, received bribes at the same house in which those named were bribed, and on the day of polling, in consideration of voting, or of having voted, for the said Sir Arthur Edward Guinness, Bart.

That Henry Foster, William Campbell, and William Watkins, were proved to have bribed the said freemen.

That two other freemen, namely, Richard Jesson (now deceased) and George Booth, were bribed to vote for the said Sir Arthur Edward Guinness, Bart., by Benjamin Warren.

That George M'Donnell and William Field, both freemen, were bribed to vote for the said Sir Arthur Edward Guinness, Bart., by William Robinson.

That other freemen, from 10 to 14 in number, who were not sufficiently identified by name, were bribed to vote for the said Sir Arthur Edward Guinness, Bart., by the said William Robinson.

That Henry Cramer, a rated occupier, was bribed to vote for the said Sir Arthur Edward Guinness, Bart., by the said William Robinson.

Dublin City. (No. 1.)

That Alexander Ferguson, a rated occupier, and John Kelly, a lodger, were bribed by William John Vance to vote for the said Sir Arthur Edward Guinness, Bart.

That Davenport Crosthwaite and William Johnston were guilty of bribing 41 out-voters by promises to pay to them their travelling expenses, on condition of their voting for the said Sir Arthur Edward Guinness, Bart.

That it was proved that freemen voters, to the number of 30, did apply previous to the said election to the agents of Sir Arthur Edward Guinness, Bart., to obtain bribes in consideration of their voting for the said Sir Arthur Edward Guinness, Bart.

That several of the parties so applying, and other freemen voters, numbering over 200, were induced to sign agreements pledging themselves to give their services gratuitously to the said Sir Arthur Edward Guinness at the said election; but such agreements were colourable, and framed with the object of evading the provisions of the statutes against the giving employment to voters at or previous to elections.

That it was further proved that a considerable number of the said freemen voters were, on the day of polling, seeking payment of money from William Campbell, an agent of Sir Arthur Edward Guinness, Bart., in consideration of their having voted for the said Sir Arthur Edward Guinness, Bart.; and I do report that I have reason to believe that corrupt practices have extensively prevailed amongst the freemen voters at the said election for the county of the city of Dublin.

And I do further report that, save as I have reported respecting the said freemen, corrupt practices have not been shown to have extensively prevailed, nor is there reason to believe that corrupt practices have extensively prevailed, at the election to which the said petition relates.

Given under my hand this 15th day of February 1869.

WILLIAM KEOGH,

Judge of the Court of Common Pleas on the Rota for the
Trial of Election Petitions in Ireland.

A copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand writer, who was duly sworn before me faithfully to take down the same, pursuant to the statute, accompanies this my certificate.

WILLIAM KEOGH.

DUBLIN CITY ELECTION. (No. 2.)

[Received 16 February 1869.]

Dublin City. (No. 2.) IN the Matter of the Petition of the Honourable David Robert Plunket, Petitioner, and Jonathan Pim, Esquire, M.P., Respondent.

Sir,

I HAVE the honour to report to you that this petition was withdrawn with my leave upon special application, and in pursuance of the statute in that behalf made and provided; and in my opinion the withdrawal of such petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

I have, &c.

WILLIAM KEOGH,

Judge of the Court of Common Pleas on the Rota for the
Trial of Election Petitions in Ireland.

To the Right Honourable
the Speaker of the House of Commons.

LONDONDERRY CITY ELECTION.

[Received 16 Feb. 1869.]

Londonderry City. IN the Matter of an Election Petition for the City or Borough of Londonderry, between David John McGown, Merchant, and George David Christie, Commission Agent, Petitioners; and Richard Dowse, Esquire, Q.C., Respondent.

I HEREBY certify to the Right Honourable the Speaker of the House of Commons that the above-mentioned petition was tried before me at Londonderry, on the 27th, 28th, 29th, and 30th days of January, and on the 1st, 2nd, 3rd, 4th, 5th, 6th, 8th, and 9th days of February 1869; and that at the conclusion of the said trial I did, on the said 9th day of February, determine that the said Richard Dowse, whose election was complained of by said petition, was duly elected to serve in the present Parliament for the borough or city of Londonderry.

And, in addition to the foregoing certificate, I hereby further report to the Right Honourable

Honourable the Speaker, that no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at such election.

Londonderry City.

And, further, that on the evidence before me it did not appear that corrupt practices extensively prevailed at said election; and I have no reason to believe that corrupt practices did extensively prevail at said election.

I beg also to state that a copy of said petition, and a copy of the evidence given at the trial, taken down by the deputies of the shorthand writer of the House of Commons, accompany this certificate.

Given under my hand this 13th day of February 1869.

JAMES O'BRIEN,

One of the Judges for the time being
on the Rota for the Trial of Election
Petitions in Ireland, pursuant to "The
Parliamentary Elections Act, 1868."

To the Right Honourable the Speaker
of the House of Commons.

CARRICKFERGUS ELECTION.

[Received, 16 February 1869.]

IN the Matter of an Election Petition for the Borough of Carrickfergus, between Robert Torrens, Esq., Petitioner; and Marriott Robert Dalway, Esq., Respondent.

Carrickfergus.

I HEREBY certify to the Right Honourable the Speaker of the House of Commons that the above-mentioned petition was tried before me at Carrickfergus, on the 21st, 22nd, 23rd, 25th, and 26th days of January 1869; and that at the conclusion of the said trial, I did, on the said 26th day of January, determine that the said Marriott Robert Dalway, whose election was complained of by said petition, was duly elected to serve in the present Parliament for the borough of Carrickfergus.

And, in addition to the foregoing certificate, I hereby further report to the Right Honourable the Speaker that no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at such election.

And, further, that on the evidence before me it did not appear that corrupt practices extensively prevailed at said election; and I have no reason to believe that corrupt practices did extensively prevail at said election.

I beg also to state that a copy of said petition, and a copy of the evidence given at the trial, taken down by the deputy of the shorthand writer of the House of Commons, accompany this certificate.

Given under my hand this 13th day of February 1869.

JAMES O'BRIEN,

One of the Judges for the time being
on the Rota for the Trial of Election
Petitions in Ireland, pursuant to said
"Parliamentary Elections Act, 1868."

To the Right Honourable the Speaker
of the House of Commons.

GREENOCK ELECTION.

[Received 16 February 1869.]

I, EDWARD FRANCIS MAITLAND, Lord Barcaple, one of the Judges of the Court of Session in Scotland, and one of the Judges for the time being, for the Trial of Election Petitions in Scotland, pursuant to "The Parliamentary Elections Act, 1868," do hereby certify to the Right Honourable the Speaker of the House of Commons, that, at the conclusion of the trial of an election petition for the borough of Greenock, at the instance of William Dougal Christie, Esq., of 32, Dorset-square, London, petitioner, a candidate at the election for the said borough of Greenock in November last, praying to have it determined that, at said election, James Johnstone Grieve was not duly elected or returned Member for Greenock, and that the election was void, which trial was holden before me, at Greenock, on the 9th day of February 1869, and four following days; I did find and determine that the said James Johnstone Grieve was duly elected and returned as Member to serve in Parliament for the borough of Greenock.

Greenock.

Greenock.

And I humbly report that it has not been proved that any corrupt practice has been committed by, or with the knowledge and consent of, any candidate at said election, and that there is no reason to believe that corrupt practices have extensively prevailed at said election.

Given under my hand at Edinburgh, this 15th day of February 1869.

To the Right Honourable the Speaker
of the House of Commons.

E. F. MAITLAND.

TAUNTON ELECTION. (No. 1.)

[Received 17 February 1869.]

Taunton.
(No. 1.)

AN ELECTION PETITION for the Borough of Taunton, in the County of Somerset, between John Dyke and William Oaten, Petitioners; and Alexander Charles Barclay, Respondent.

I, THE undersigned Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby certify and report to you that I have this day heard an application, made in the manner prescribed by the Parliamentary Elections Act, 1868, for the withdrawal of this petition, and have given leave to withdraw the same; and I further report to you that, in my opinion, the withdrawal of this petition was not the result of any corrupt arrangement or in consideration of the withdrawal of any other petition.

SAMUEL MARTIN.

To the Right Honourable the Speaker
of the House of Commons.

TAMWORTH ELECTION.

[Received 19 February 1869.]

Tamworth.

Judges' Lodgings, Coventry,
18 February 1869.

IN the Matter of a Petition presented to the Court of Common Pleas, under the Parliamentary Elections Act, 1868, by John Hill and Thomas Watton, voters at the last Parliamentary Election for the Borough of Tamworth, against the Right Honourable Sir Robert Peel, Baronet, and the Right Honourable Sir Henry Lytton Bulwer, Knight, who were upon that occasion elected and returned; which Petition alleged, amongst other things, corrupt practices to have been committed at the Election, and prayed that it might be determined that the said Right Honourable Sir Robert Peel, Baronet, was not duly elected or returned, and that the Election of him was void; and that the said Right Honourable Sir Henry Lytton Bulwer, Knight, was not duly elected or returned, and that the Election of him was void.

I, SIR JAMES SHAW WILLES, Knight, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:

1. The said Right Honourable Sir Robert Peel, Baronet, one of the Members whose return is complained of by the petition, was duly elected and returned.

2. The Right Honourable Sir Henry Lytton Bulwer, Knight, the other Member whose return is complained of by the petitioner, was duly elected and returned.

3. No corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at such election.

4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have, extensively prevailed at the election.

J. S. WILLES.

To the Right Honourable the Speaker
of the House of Commons.

WESTMINSTER ELECTION.

[Received 22 February 1869.]

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 12th day of February instant (1869), and several days following, I duly held a court at Westminster, in the county of Middlesex, for the trial of, and did try, the election petition for the borough of Westminster aforesaid, between James Beal and others, Petitioners; and William Henry Smith, Respondent.

Westminster.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial, I determined that the said William Henry Smith, being the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And I further report, in pursuance of the said Act, that upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said election.

SAMUEL MARTIN.

WICK DISTRICT OF BURGHES ELECTION.

[Received 1 March 1869.]

PARLIAMENTARY ELECTIONS ACT, 1868.

Wick District of
Burghs.

Unto the Right Honourable the Speaker of the House of Commons.

IN the Petition of Edmund Beatty Lockyer, Esquire, to have the election of George Loch, Esquire, as Member of Parliament for the Wick or Northern Burghs, in November 1868, set aside as void.

THE Report of Lord Jerviswoode, one of the election judges for Scotland.

The petition was lodged with the prescribed officer of this date, 19th December 1868.

The trial of the petition was fixed for Monday, the 15th day of February 1869.

Thereafter an application having been made by the petitioner for leave to withdraw the petition, the trial having in consequence thereof been postponed until 4th March next, the parties were heard upon this application before me this day; and, after due notice, no other person having appeared, proposing that he should be substituted as petitioner, the petition was held to be withdrawn, the petitioner being found liable in costs to the respondent in terms of the Statute.

I have further to report that the withdrawal of this petition was not, in my opinion, the result of any arrangement between the petitioner and respondent, or any other party, and that there was no petition against the return of Mr. Loch as Member of Parliament for the Wick or Northern Burghs, other than that by Mr. Lockyer, withdrawn as aforesaid.

CHARLES BAILLIE.

Edinburgh, 26 February 1869.

BRIDGWATER ELECTION.

[Received 1 March 1869.]

Bridgwater.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Bridgwater, in the County of Somerset, between Henry Westropp, Esquire, and Charles William Gray, Esquire, Petitioners; and Alexander William Kinglake, Esquire, and Philip Vanderbyl, Esquire, Respondents.

Sir,

Bridgwater, 26 February 1869.

I HEREBY certify that at the trial of the above election petition I determined that Alexander William Kinglake, Esquire, and Philip Vanderbyl, Esquire, were not duly elected, and that the election was void.

And, in compliance with the directions of the Parliamentary Elections Act, 1868, s. 11, I report,—

A. That Alexander William Kinglake, Esquire, and Philip Vanderbyl, Esq., were by their agents guilty of bribery; and that it was not proved that such bribery was committed with the knowledge or consent of either of them.

B. That Henry Chapman Bussell was proved to have been guilty of bribery in paying 10*l.* each to James Palmer, William Crocker, and James Hayward, to induce them to vote for Messrs. Kinglake and Vanderbyl; and by offering a similar sum to William Luckes; and that William Crocker and James Hayward were guilty of bribery in accepting the sum of 10*l.* each for their votes.

C. That there is reason to believe that bribery extensively prevailed at the election; my reasons for coming to this conclusion are, that it appears that statements have been made that if any money was paid to any voters on behalf of Messrs. Kinglake and Vanderbyl, the same sum should be paid to all who voted for them; the inquiry was stopped from its being admitted that agency was established with respect to Henry Chapman Bussell, so that it was not ascertained how far those statements were made by agents for whom the Members were responsible, but it was sufficiently proved that an expectation that these promises would be fulfilled existed amongst the voters; that a large number of the voters refrained from voting till past one o'clock, about which time Henry Chapman Bussell was proved to have bribed the three persons above named, and there was strong reason to suspect (though it was not proved) that he bribed others, and that voters were also bribed by one Andrew Allan, both Bussell and Allan having gone away so that they could not be examined as witnesses.

That Messrs. Kinglake and Vanderbyl, who, before the proved and suspected giving of bribes, were in a great minority, immediately began to poll many votes, and were placed in a majority; and I therefore think there is reason to believe that many of the voters for them at this time were induced either by actual money paid to them, or the expectation of a sum similar to that paid to others.

COLIN BLACKBURN, Election Judge.

To the Right Honourable the Speaker.

BODMIN ELECTION.

[Received 1 March 1869.]

Bodmin.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION PETITION OF BODMIN.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chambers,
1 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas under the Parliamentary Elections Act, 1868, by Richard Adams and others, voters at the last Parliamentary Election for the Borough of Bodmin, against the Honourable Edward Frederick Leveson Gower, who was upon that occasion elected and returned, which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed

prayed that it might be determined that the said Honourable Edward Frederick Leveson Gower was not duly elected or returned, and that the said election was void.

Bodmin.

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:

1. Edward Frederick Leveson Gower, the Member whose return is complained of by the petition, was duly elected and returned.

2. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

3. Upon the evidence before me, it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have extensively prevailed at the election.

J. S. WILLES.

PENRYN ELECTION.

[Received 1 March 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Penryn.

ELECTION PETITION FOR PENRYN.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chambers,
1 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas under the Parliamentary Elections Act, 1868, by Robert Richard Broad and others, voters at the last Parliamentary Election for the Borough of Penryn, against Robert Nicholas Fowler and Edward Backhouse Eastwick, Esquires, who were upon that occasion elected and returned, which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said Robert Nicholas Fowler and Edward Backhouse Eastwick were not duly elected or returned, and that their said election and return were and are wholly null and void.

I, Sir James Shaw Willes, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:

1. The said Robert Nicholas Fowler, one of the Members whose return is complained of by the petition, was duly elected and returned.

2. The said Edward Backhouse Eastwick, the other Member whose return is complained of by the petition, was duly elected and returned.

3. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.

4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have extensively prevailed at the election.

J. S. WILLES.

COVENTRY ELECTION.

[Received 1 March 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Coventry.

ELECTION PETITION FOR COVENTRY.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chambers,
1 March 1869.

IN the Matter of a Petition presented to the Court of Common Pleas, under the Parliamentary Elections Act, 1868, by Thomas Berry Bishop and others, voters at the last Parliamentary Election for the City of Coventry, against Henry William Eaton and Alexander

Coventry.

Alexander Staveley Hill, Esquires, who were upon that occasion elected and returned; which petition alleged, amongst other things, corrupt practices to have been committed at the election, and prayed that it might be determined that the said election and return of the said Henry William Eaton and the said Alexander Staveley Hill were and are null and void, and that the said Henry William Eaton and the said Alexander Staveley Hill were not duly elected or returned to Parliament.

I, Sir James Shaw Willes, Knight, being one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, do certify and report such determination as follows:

1. The said Henry William Eaton, one of the Members whose return is complained of by the petition, was duly elected and returned.
2. The said Alexander Staveley Hill, the other Member whose return is complained of by the petition, was duly elected and returned.
3. No corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such election.
4. Upon the evidence before me it does not appear that corrupt practices have, nor that there is reason to believe that corrupt practices have extensively prevailed at the election.

J. S. WILLES.

SALFORD ELECTION.

[Received 3 March 1869.]

Salford.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 24th day of February 1869, and several days following, I duly held a court at Salford, in the county of Lancaster, for the trial of, and did try, the election petition for the borough of Salford aforesaid, between Roderick Anderson, Jesse Bryant, and Edward Charlton Harding, Petitioners: and Charles Edward Cawley and William Thomas Charley, Respondents.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Charles Edward Cawley, and William Thomas Charley, being the Members whose elections and return were complained of in the said petition, were duly elected and returned, and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And I further report, in pursuance of the said Act, that upon the trial of the said petition there was not evidence before me that corrupt practices extensively prevailed at the said election.

SAMUEL MARTIN.

CASHEL ELECTION.

[Received 4 March 1869.]

Cashel.

PARLIAMENTARY ELECTIONS ACT, 1868.

IN the Matter of an Election Petition for the Borough of Cashel, between Henry Munster, Petitioner; and James Lyster O'Beirne, Respondent;
And of another Election Petition for the said Borough of Cashel, between the same Petitioner and the same Respondent.

I do hereby certify to the Right Honourable The Speaker that the election petitions above mentioned were tried together before me at Cashel, upon the 16th, 17th, 18th, 19th and 20th days of February 1869; and that at the conclusion of the said trial, I did, on the
said

said 20th day of February determine that the said James Lyster O'Beirne was not duly elected or returned to serve in Parliament as Member for said borough of Cashel at the election to which said petitions relate; and further, that the said Henry Munster was not duly elected, and ought not to have been returned to serve as aforesaid, inasmuch as the said Henry Munster was not proved to have had a majority of legal votes; and was moreover proved at the said trial to have been guilty by his agents of bribery at the said election; and further, that the said election was void.

And, in addition to the above certificate, I do report—

1st. That the corrupt practice of bribery was proved to have been committed by and with the knowledge and consent of the said James Lyster O'Beirne at the said election, such bribery consisting in the payment to voters of alleged claims of money against the said James Lyster O'Beirne, arising out of a previous election for the said borough in the year 1865, and also in the paying and agreeing to pay large sums of money to voters for the hire of apartments in the houses of such voters, colourably for the purpose of committee or tally rooms, such payments and agreements respectively being made in order to induce such voters to vote for the said James Lyster O'Beirne at the said election. And further, that no corrupt practice was proved to have been committed by or with the knowledge or consent of the said Henry Munster at the said election.

2nd. That the several persons hereinafter named, and all of whom are mentioned and described in the evidence given at the said trial, were proved at the said trial to have been guilty of corrupt practices; that is to say, Simon Tracy, Patrick Laffan, and Patrick Cunningham, of bribery under the second section of The Corrupt Practices Prevention Act, 1854; and Michael Hanley, Michael Ryan, Thomas Murphy, Michael Coffey, and Edward Walshe, of bribery under the third section of the same Act, but that all said several persons, except the said Simon Tracy and Patrick Laffan, were examined before me as witnesses at the said trial, and were, in my opinion, respectively entitled to certificates under the 33rd section of The Parliamentary Elections Act, 1868.

3rd. That from the evidence given at the said trial, I have reason to believe that the corrupt practice of bribery did extensively prevail at the election to which the said petitions relate.

Copies of the said petitions, and of the evidence given at the said trial, as taken down by the deputy of the shorthand writer of the House of Commons, accompany this my certificate and report.

Given under my hand, at Dublin, on the 22nd day of February 1869,

F. A. FITZGERALD,

A Baron of the Exchequer in Ireland,
and one of the Judges for the time
being for the Trial of Election Petitions
in Ireland, pursuant to The
Parliamentary Elections Act, 1868.

The Right Honourable The Speaker
of the House of Commons.

SLIGO BOROUGH ELECTION.

[Received 4 March 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Sligo.

In the Matter of the Petition of Michael Foley and Joseph Foley, Petitioners; Major Lawrence Edward Knox, M. P., Respondent.

THE matter of this petition (of which I annex a copy) came on to be tried before me at Carrick-on-Shannon, on the 19th day of February last, and continued four succeeding days in presence of the parties, their counsel and agents; and having heard the evidence, and what was offered on both sides, I did then determine, and do accordingly certify,—

That the last election for the said borough of Sligo was a void election.

That the said Major Lawrence Edward Knox was not duly elected to serve in Parliament for the said borough of Sligo.

That the said Major Lawrence Edward Knox was, by his agents, guilty of bribery at said election; and I hereby report—

That it has not been proved before me that such bribery was committed by or with the knowledge or consent of the said Major Lawrence Edward Knox; and I do further report—

That John Shiel, a voter, did, immediately before said election, receive money and goods to the amount of 8 l. 6 s. 2 d. from Stephen M. Cherry, acting on behalf of the said

Sligo.

Major Lawrence Edward Knox, and did agree to receive a further sum of 31*l.* 13*s.* 10*d.* from the said Stephen M. Cherry, for agreeing to refrain from voting at said election, and was guilty of bribery.

That Patrick Neilan, Patrick Flinn, Martin Mulligan, and Charles Tiernan received money for agreeing to vote for the said Major Lawrence Edward Knox at said election, and were guilty of bribery.

That, in addition to the persons whose names I have so reported, it was proved by the evidence of the said Major Lawrence Edward Knox, and other testimony, that divers of the electors of said borough, from 30 to 40 in number, were in the habit of applying for payment of money directly to the said Major Lawrence Edward Knox, and to other persons acting on his behalf, in consideration of their agreeing to vote for, or to refrain from voting against, the said Major Lawrence Edward Knox.

That Thomas Brennan, Stephen M. Cherry, John H. Galbraith, Robert Stokes, William A. Woods, and Joseph L. Woods were proved to have offered and promised various sums of money to divers electors of said borough in order to induce said electors to vote for the said Major Lawrence Edward Knox, or to refrain from voting for Captain John Flanagan, a candidate at said election, and were guilty of bribery.

And I do report that corrupt practices have extensively prevailed at the said election for the borough of Sligo; and

That a system of intimidation and violence was organised and carried out for months previous to and during the said last election for the said borough of Sligo, subversive of freedom of election, and endangering the lives and properties of the electors; and outrages were committed previous to and during the said election which were calculated to deter, and did in fact deter, electors from exercising their franchise at said election, but such intimidation and violence was almost entirely practised by large mobs of persons acting in opposition to the said Major Lawrence Edward Knox; and it was proved before me that such intimidation was continued in said borough of Sligo from the time of said election down to and during the trial of said election petition.

Given under my hand this 2nd of March 1869,

WILLIAM KEOGH,

Judge of the Court of Common Pleas on the rota for the Trial of

To the Right Honourable Election Petitions in Ireland.

The Speaker of the House of Commons.

The copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand writer, who was duly sworn before me faithfully to take down the same pursuant to the statute, accompanies this my certificate.

WILLIAM KEOGH.

TAUNTON ELECTION (No. 2.)

(Received 8 March 1869.)

Taunton.
(No. 2.)

THE ELECTIONS PETITIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Taunton, in the County of Somerset, between Thomas Meredith Williams and Joseph Mellor, Petitioners; and Edward William Cox, Esquire, Respondent.

To the Right Honourable the Speaker.

Sir,

Taunton, 5 March 1869.

I HEREBY certify that at the trial of the above election petition, I determined that Mr. Serjeant Cox, the Member whose election is complained of, was not duly returned and elected, and that Henry James, Esq., was duly elected.

And, in compliance with the directions of the Parliamentary Elections Act, 1868, s. 11, I report:—

A. That Mr. Serjeant Cox was by his agents guilty of bribery at the election, but that no corrupt practice was proved to have been committed with the knowledge or consent of any candidate at the election.

B. That James Shepherd, acting for a body called the Constitutional and Conservative Association, who were agents for Mr. Serjeant Cox, was proved to be guilty of bribery in distributing 5*s.* each to a large number of voters (under colour of paying them for their attendance before the revising barrister) in order to induce them to vote for Mr. Serjeant Cox. And that the following persons, John Chigley, Edward Crosby, Mark Beesly, William Smith, Robert Hughes, Abraham Cann, James Edney, Henry Calbraith, John Deane, James Cole, Thomas Wood, and William Stuckey, were proved to be guilty of bribery in receiving the sum of 5*s.* each for voting.

C. That

C. That the corrupt practice of paying the sum of 5 s. to voters under colour of paying, as it was called, barristers' court money, did extensively prevail at the election, but that there was no reason to believe that any other corrupt practice extensively prevailed.

Taunton.
(No. 2.)

COLIN BLACKBURN, Election Judge.

WIGAN ELECTION.

[Received 8 March 1869.]

PARLIAMENTARY ELECTIONS ACT, 1868.

Wigan.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 3rd day of March 1869, and several days following, I duly held a court at Wigan, in the county of Lancaster, for the trial of, and did try, the election petition for the borough of Wigan aforesaid, between Daniel Brayshay and William Atkinson, Petitioners; and Henry Woods and John Lancaster, Respondents.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Henry Woods and John Lancaster, being the Members whose election and return were complained of in the said petition, were duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, I, in further pursuance of the said Act, report as follows:—That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the said candidates at the said election.

And I further report, in pursuance of the said Act, that upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said election.

To the Right Honourable
the Speaker of the House of Commons.

SAMUEL MARTIN.

KINGSTON-UPON-HULL ELECTION.

[Received 8 March 1869.]

PARLIAMENTARY ELECTIONS ACT, 1868.

KINGSTON-UPON-HULL ELECTION PETITION.

Kingston-upon-
Hull.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by Joseph Walker Pease and others, against Charles Morgan Norwood and James Clay, Esquires, Members of Parliament, complaining of their Election and Return at the last Parliamentary Election for the Borough of Kingston-upon-Hull,

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the trial of Election Petitions in England, report as follows, viz.:

Upon the application of the petitioners, I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

To the Right Honourable
the Speaker of the House of Commons.

GLOUCESTER CITY ELECTION.

[Received 8 March 1869.]

Gloucester.

PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

GLOUCESTER ELECTION PETITION.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by Francis Niblett and others, against William Philip Price and Charles James Monk, Esquires, Members of Parliament, complaining of their Election and Return at the last Parliamentary Election for the City of Gloucester,

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows, viz.:

Upon the application of the petitioners, I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

To the Right Honourable
the Speaker of the House of Commons.

PRESTON ELECTION.

[Received 8 March 1869.]

Preston.

PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

PRESTON ELECTION PETITION.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by Joseph Toulmin and Richard Pemberton, against Edward Hermon, Esquire, and Sir Thomas George Fermor Hesketh, Baronet, Members of Parliament, complaining of their Election and Return at the last Parliamentary Election for the Borough of Preston,

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows, viz.:

Upon the application of the petitioners, I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

To the Right Honourable
the Speaker of the House of Commons.

BRADFORD ELECTION (No. 3).

[Received 8 March 1869.]

Bradford.
(No. 3)

PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

ELECTION PETITION, BRADFORD.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition for the Borough of Bradford, presented to the Court of Common Pleas upon the 8th of January 1869, by Samuel Storey and Thomas Garnett, against the Right Honourable William Edward Forster, a Member of Parliament,

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:

I have

I have given leave to withdraw the above petition, upon being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

Bradford,
No. 3.

J. S. WILLES.

To the Right Honourable
the Speaker of the House of Commons.

HARTLEPOOLS ELECTION.

[Received 8 March 1869.]

PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

Hartlepoons.

HARTLEPOOLS ELECTION PETITION.

Common Pleas, Judges' Chambers,
8 March 1869.

IN the Matter of an Election Petition presented to the Court of Common Pleas by William Gray and others, against Ralph Ward Jackson, Esquire, Member of Parliament, complaining of his Election and Return at the last Parliamentary Election for the Borough of the Hartlepoons,

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows, viz.:

Upon the application of the petitioners, I have given leave to withdraw the petition, being satisfied that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

J. S. WILLES.

To the Right Honourable
the Speaker of the House of Commons.

GALWAY TOWN ELECTION.

[Received 15 March 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Galway.

THE COUNTY OF THE TOWN OF GALWAY ELECTION PETITION.

IN the Matter of the Petition of Thomas M'Govern, Petitioner; Sir Rowland Blennerhassett, M.P., and Lord Viscount St. Lawrence, M.P., Respondents.

THE matter of this petition (of which I annex a copy) came on to be tried before me, at Galway, on the 25th day of February last, and continued for five succeeding days in the presence of the parties, their counsel and agents, and having heard the evidence and what was offered on both sides, I did then determine and do accordingly certify—

That the said Sir Rowland Blennerhassett, Baronet, and Lord Viscount St. Lawrence, were duly returned at the last election as burgesses to serve in Parliament as and for the said county of the town of Galway.

That it was proved before me that the following freemen, electors of the said borough, proposed to give their votes at said election for Martin O'Flaherty, Esquire, one of the candidates, in consideration of receiving a promise of payment of money after the said election; namely, Anthony Finegan, John Marmion, Patrick Doherty, Lawrence Drually, Timothy Toole, Thomas Murphy, John M'Tighe, John Bolger, John Lenihan, John Drually, John Walsh, John Dillon, John M'Loughlin, and Martin C. Lynch.

That said proposal was rejected by the said candidate and his agent.

That from 80 to 100 electors of the said borough known to be freemen, but whose names were not disclosed in evidence, had from time to time and shortly previous to the said election, solicited the agent of the said Lord Viscount St. Lawrence to promise them payment of money in consideration of their giving their votes to the said Lord Viscount

Galway.

St. Lawrence; but such proposals were proved to have been in every instance rejected by the said agent.

And I do further report, that I have not any reason to believe that corrupt practices extensively prevailed at the last election for the said county of the town of Galway.

Given under my hand, this 11th day of March 1869.

WILLIAM KEOGH,
Judge of the Court of Common Pleas on the
rota for the Trial of Election Petitions
in Ireland.

To the Right Honourable the
Speaker of The House of Commons.

The copy of the evidence taken at the trial, as furnished to me by the House of Commons shorthand writer, who was duly sworn before me faithfully to take down the same pursuant to the statute, accompanies this my certificate.

WILLIAM KEOGH.

KING'S LYNN ELECTION.

[Received 18 March 1869.]

King's Lynn.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 16th day of March 1869, and the following day, I duly held a court at King's Lynn, in the county of Norfolk, for the trial of, and did try, the election petition for the borough of King's Lynn aforesaid, between William Armes and George Holditch, Petitioners; and the Honourable Robert Bourke, Respondent.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial, I determined that the said Robert Bourke, being the Member whose election and return were complained of in the said petition, was duly elected and returned, and I do hereby certify in writing such my determination to you.

And whereas charges were made of corrupt practices having been committed at the said election, in further pursuance of the said Act I report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of any of the candidates at the said election.

And I further report, in pursuance of the said Act, that, upon the trial of the said petition, there was not evidence before me that any corrupt practices prevailed at the said there.

SAMUEL MARTIN.

BEVERLEY ELECTION.

[Received 18 March 1869.]

Beverley.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 9th day of March 1869, and the two following days, I duly held a court at Beverley, in the county of York, for the trial of, and did try, the election petition for the said borough of Beverley, between Luke Hind, John Armstrong, and Joseph Dannatt, Petitioners; and Sir Henry Edwards, Baronet, and Edmund Hegan Kennard, Respondents.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Sir Henry Edwards and Edmund Hegan Kennard, being the Members whose election and return were complained of in the said petition, were not duly elected or returned, and that the said election for the said borough was void; and I do hereby certify in writing such my determination to you.

And

And whereas charges were made in the said petition of corrupt practices having been committed at the said election; in further pursuance of the said Act I report as follows:—

That, upon the said trial of the said petition, no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election.

That the number of persons who were proved at the said trial to have been guilty of corrupt practice was 104, and that their names are written in the Schedule hereunto annexed.

And, in further pursuance of the said Act, I report that corrupt practices did prevail, and that there is reason upon the evidence before me to believe that they did extensively prevail, at the said election.

And, in further pursuance of the said Act, I make this Special Report as to certain matters arising in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons:—

The registered voters of the borough were stated to be about 2,600, and at the election referred to in the petition Sir Henry Edwards and Captain Kennard, who until this election was a stranger to the borough, were candidates upon the Conservative interest, and Mr. Maxwell and Mr. Anthony Trollope candidates upon the Liberal interest. The result of the poll was that Sir Henry Edwards polled 1,132 votes; Captain Kennard, 986 votes; Mr. Maxwell, 895 votes; and Mr. Trollope, 740 votes.

It appeared that Sir Henry Edwards first came to Beverley as a candidate in the year 1857, upon the invitation of a Mr. Wreghitt, a draper in the town, on behalf of himself and others. Sir Henry Edwards was then elected. Shortly after that time Sir Henry became the chairman of a company carrying on its business in the borough, called the Beverley Waggon Company, Limited. Of this company, a Mr. Norfolk, hereinafter mentioned, was manager, and a Mr. Usher the secretary. From and after the year 1857, and continually until the present time, Mr. Wreghitt has been and is the confidential agent of Sir Henry Edwards for the purposes and management of his Parliamentary interest in the borough, and during this period, and from time to time, he remitted to Mr. Wreghitt sums of money to be expended by him in support of it.

It appeared that no detailed account of the expenditure of this money was ever given to or asked for by Sir Henry Edwards, and although both he and Mr. Wreghitt were witnesses at the trial, neither of them were examined as to what amount of money was so remitted and received, or how it was expended, beyond some general questions, which were answered by a statement that money was paid for charitable purposes, and for a subscription to an agricultural association.

There is a municipal corporation of Beverley, which consists of six aldermen and 18 town councillors; the town council receives the income of the corporation, and defrays its expenditure, and also that of the gasworks, the highways, and a navigation; the corporation also possess some property in the neighbourhood, and the town council possess the influence arising from a considerable expenditure in labour, and from the corporation property; the bulk of the labourers and workpeople living in Beverley are either as freemen or householders voters at the Parliamentary election. From the time of Mr. Wreghitt's becoming agent to Sir Henry Edwards, a continued and successful attempt has been made by means of bribery to secure the town council to the Conservative interest, and for this purpose, through the agency of Mr. Wreghitt, money has been expended in bribing the voters at every contest for the town councillors during his agency. His own statement was that during the last 12 years the average amount spent upon the municipal elections had been from 50*l.* to 70*l.*, but that several times there had been no contest, and that the lowest sum paid to his knowledge at a municipal contest was 130*l.* to 140*l.*, and the highest 300*l.*, but which occurred before his agency for Sir Henry Edwards; and the evidence was that the bribes paid to the individual voter varied from 2*s.* 6*d.* to 5*s.*, which may be taken to have been the ordinary bribe until the election in November last. It was stated that in some instances as much as 1*l.* had been given, but the circumstances did not appear under which so large a sum beyond the ordinary one was paid; the result is that the members of the town council are at present almost all in the Conservative interest, and that practically they have in their hands the control and management of the corporation funds; and it is alleged that they make use of them, and the influence arising from them, for the exclusive support and furtherance of this interest.

It also appeared that at an election of town councillors, which occurred two or three years ago, the Conservative candidates had the majority at the poll, but some irregularity having occurred in the election, a *quo warranto* information was filed in the Court of Queen's Bench, which was determined in favour of the relators, and that Sir Henry Edwards and the other Member for the borough who sat with him in the Conservative interest paid the costs of this information through Mr. Wreghitt. Mr. Wreghitt was much pressed to state the amount so paid, but said he did not recollect it, and he would not say whether it did not amount to 500*l.*

It further appeared that the freemen of Beverley, who are also Parliamentary electors, are entitled to the pasturage of large pastures in the borough, to the extent of 1,174 acres, and that by an Act of Parliament passed in the year 1836, 12 pasture masters are to be elected annually by the freemen, which pasture masters have the management of the pastures, and the control of the income and expenditure arising from and relating to

Beverley.

Beverley.

them. From a document put in evidence, being their account from February 1868 to February 1869, it appears that the amount of income received by the pasture masters during that year was about 940*l.*, and the expenditure about 635*l.* When Mr. Wreghitt became the agent of Sir Henry Edwards, the practice was that the pasture masters were equally divided between the two parties, the Conservative and Liberal, six of each; but that afterwards, by means of money supplied by Mr. Wreghitt, the same system of bribery was resorted to in the election of pasture masters as in the election of town councillors, and by this corrupt expenditure it has resulted that the entire body is now in the Conservative interest.

By the will of a Mr. Robert Walker an annual income of about 90*l.* was given to the pasture masters, upon trust, to distribute it between poor freemen of the borough, or their widows or children, to aid them in respect of losses which they might sustain by the death of their stock, and to enable them to purchase other stock, to help them in the world, and for other purposes of a similar nature; and the testator declared "his wish and intention to be that the payments should be made in such substantial sums as would effect the object he had in view, and that they should not be made or given in small amounts so as to embrace a greater number of objects." An account of the receipts and payments for the year ending February 1869 was put in evidence, by which it appears that the net income of that year was distributed amongst 42 persons. Of these, six were women, and of the remainder all, except two, were Parliamentary voters. The sums paid were all small, varying from 3*l.* downwards, and it is alleged that these payments were made by the pasture masters in direct violation of their trust, and with a view to influence votes at the elections. At the late election 34 of these freemen voted, of whom 26 voted for Sir Henry Edwards, 23 for Mr. Kennard, 11 for Mr. Maxwell, and 7 for Mr. Trollope.

It was notorious during the autumn of last year that Parliament would be dissolved, and the general election take place about the middle of November. The election of town councillors took place on the 2nd. There were six vacancies to be filled up—three in each of the two wards—there being two in the borough, and there were six Conservative and six Liberal candidates. Three of the Conservative candidates were Mr. Norfolk, Mr. Usher, and a Mr. J. B. Lowther. The election took place on Monday the 2nd November, and the Parliamentary election about a fortnight afterwards; it appears from the evidence of Mr. Norfolk that on the Friday or Saturday before the municipal election he went to a bank at Beverley, at which he did not keep an account himself, nor was the account of the Waggon Company kept there, and arranged with the manager of that bank for a loan of from 400*l.* to 500*l.* He stated that he believed he drew out 500*l.* on the Saturday, but upon that day and on the Monday he drew out 800*l.*, 750*l.* of which at least was spent in bribery; he paid it to various persons whom he named, amongst others to the Mr. Lowther before mentioned, to whom he gave 100*l.* on the Saturday and 120*l.* on the Monday. The municipal electors were to a great extent also Parliamentary electors; there appeared to have been no secrecy either observed or imposed upon the parties bribed. Bribes were paid to all who would accept them; some payments were made in the street, but three houses were particularly named at which the bribery took place; one was at a public house called the "Golden Ball," where a man named Watson, an auctioneer, sat at a table; he had a bag of gold coin before him, and a book in which he entered the names of the persons to whom he paid the bribes; no secrecy was observed, and batches of three or four voters went up at a time, and the bribes were sometimes paid to each in the presence of the others; and in other instances a sum was paid to one to be distributed by him amongst the party accompanying him. Another house where bribes were paid was the shop of a person named Dickenson, where the voting papers were filled up. Another place was a public house of a Mrs. Padget.

It has already been stated that the ordinary bribe previously paid at municipal elections varied from 2*s.* 6*d.* to 5*s.* For this election, however, except in one instance, no bribe less than 15*s.* appears to have been paid; 1*l.* was proved to have been paid in several instances, but 17*s.* 6*d.* was the general bribe; upwards of 60 voters who were bribed were examined at the trial, and proved the fact. The bribes were paid indiscriminately to all who would receive them, and several of the witnesses stated that they were paid and received, "of course." The result was that early in the morning of the municipal election, certainly as early as 11 o'clock, the Conservative candidates were in a great majority, so great that the managers of the Liberal party gave up the contest, but notwithstanding this, and after more than half of the entire voters had voted for the Conservative candidates, the payment of the bribes was continued, and nearly the whole of 800*l.* was expended in this manner. It was stated by Mr. Norfolk that this 800*l.* was to be repaid by him to the bank, each of the other candidates contributing an equal share with him, but no part of this money has yet been repaid, and the whole amount is still due to the bank, nor have the other candidates paid to Mr. Norfolk any part of what is alleged they were to contribute. Very few of the above facts, and none of them relative to the last municipal election, were disputed or denied by the learned counsel for the respondents. The contention was that the bribes then given were to influence the municipal election only, and not at all to influence the Parliamentary election.

Sir Henry Edwards and Captain Kennard came to Beverley the following day, the 3rd November, and there was no evidence that from that day any bribery took place; and Sir Henry Edwards stated that until the trial he never was told or heard of the bribery and corruption which had taken place at the municipal election, as it was proved that Mr. Lowther and others who were directly engaged in this bribing canvassed with him during

during the ensuing fortnight, it is obvious that the municipal bribery of the 2nd of November, which must have been notorious in the borough, was of purpose and design concealed and kept back from him. Captain Kennard seems to have heard something of it, but as his evidence was merely that he might have been told of it, he most probably was not made acquainted with its extent, as if he had he could not have failed to have recollected it.

I was perfectly satisfied upon the whole of the evidence, that more than 800 Parliamentary electors were bribed, and what several witnesses stated to have been said to them by the persons who have bribed them, viz., that the bribes were for the Parliamentary election as well as the municipal election, was the truth. The persons who were alleged to have made these statements were all named, and not one of them was called to contradict it. The excuse alleged for this bribery was that the Liberal party were doing the same.

It was stated by Mr. Norfolk that his reason for drawing out the money on the Monday was, that he was told the Liberal party were paying 25 s. a vote with money supplied by Messrs Maxwell and Trollope, who were at that time in the borough as candidates. I had no means of investigating this matter as it was not in issue in the petition before me, nor did I think it right of myself to continue the examination of the witnesses called beyond the examination and cross-examination of the learned counsel.

The only witnesses called for the Respondents were Mr. Norfolk and Mr. Wreghitt, and the Respondents themselves, neither Mr. Lowther or any of the other persons who paid the bribes were called. If it be thought right to have the condition of this borough with regard to the general prevalence of bribery and corruption thoroughly investigated, it can only be done by a Commission issued in pursuance of the 15 & 16 Vic. c. 57.

SAMUEL MARTIN.

SCHEDULE.

- | | |
|------------------------------------|--------------------------|
| 1. Richard Norfolk. | 44. John Folkes. |
| 2. J. B. Lowther. | 45. John Shaw Tomlinson. |
| 3. John Stothard. | 46. John Tomlinson. |
| 4. William Watson, a painter. | 47. Willm. Thompson. |
| 5. William Watson, auctioneer. | 48. John Goldwell. |
| 6. Robt. Knaggs Wallis. | 49. George Sumpter. |
| 7. Mr. Cleaver, of Railway-street. | 50. Horner Walters. |
| 8. William Calterson, junr. | 51. Robert Moore. |
| 9. Benjn. Moore. | 52. Thomas Appleton. |
| 10. Robert Thirsk. | 53. Richd. Tattersall. |
| 11. Tindal Brown. | 54. John Rawson. |
| 12. Thos. Richmond. | 55. Wm. Weldrake. |
| 13. Bromsho. | 56. William Addy. |
| 14. David Nutchey. | 57. Martin Lascelles. |
| 15. Thompson Ireland. | 58. John Reap. |
| 16. William Vernam. | 59. Matthew Wilson. |
| 17. Thompson, a barber. | 60. John Dalton. |
| 18. Robert Walker. | 61. John Bean. |
| 19. William Chadwick. | 62. George Petch. |
| 20. John Robinson Bentley. | 63. John Shields. |
| 21. Samuel Beilby. | 64. Robt. Everington. |
| 22. Mr. Monkman. | 65. James Smethley. |
| 23. Samuel Bishoprick. | 66. Wm. Etherington. |
| 24. Mr. Kemplay. | 67. Wm. Knipe. |
| 25. Thomas Green. | 68. Wm. Haigh. |
| 26. Thomas Harris. | 69. Robt. Turnbull. |
| 27. Thomas Sumner. | 70. Jas. Wm. Lovell. |
| 28. Edward Christian. | 71. Robert Towse. |
| 29. William Rippon. | 72. Henry De Caux. |
| 30. Mrs. Lamb, "Tanners' Arms." | 73. Danl. Nicholson. |
| 31. Mr. Levitt. | 74. Levi Nicholson. |
| 32. Mr. Skinn. | 75. Joseph Sykes. |
| 33. James Haddlesey. | 76. William Dixon. |
| 34. Thos. Duffill. | 77. Wm. Noon Dixon. |
| 35. Thos. Hazlehurst. | 78. John Constable. |
| 36. Spence Collinson. | 79. John Grantham. |
| 37. George Walker. | 80. John Tebb. |
| 38. James Atkinson. | 81. Henry Condor. |
| 39. John Brooks. | 82. George Wilkinson. |
| 40. John Wardell. | 83. John Abbott. |
| 41. Edward Beattie. | 84. William Woollock. |
| 42. James Ellis. | 85. George Brusby. |
| 43. John McGinnis. | 86. Joseph Kitching. |

Beverley.

87. Robert Charlton.
 88. James Walters.
 89. George Cross.
 90. Joseph Anderson.
 91. Robert Grassby.
 92. Thew Railton.
 93. Henry Wallis.
 94. Henry Whitehead.
 95. John Chambers.

96. James Harrison.
 97. Robert Shaw Porte.
 98. George Sanderson.
 99. Joseph Elliott.
 100. William Jarvis.
 101. Isaac Cooke.
 102. Samuel Barrett.
 103. Thomas Foster.
 104. Robert Castle.

SAMUEL MARTIN.

HEREFORD CITY ELECTION.

[Received 18 March 1869.]

Hereford City.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the trial of an Election Petition for the City of Hereford, between Francis Henry Thomas, Esq., Josiah Webbe Goldsworthy, Esq., and John Cleave, Esq., Petitioners; and George Clive, Esq., and John William Shaw Wyllie, Esq., Respondents.

To the Right Honourable the Speaker.

Sir,

Oldham, 16 March 1869.

I HEREBY certify that, at the trial of the above Election Petition, I determined that George Clive, Esq., and John William Shaw Wyllie, Esq., the Members whose return and election is complained of, were not duly elected, and that the election was void.

And, in compliance with the directions of "The Parliamentary Elections Act, 1868," s. 11, I report:—

A. That no corrupt practice has been proved to have been committed by or with the knowledge or consent of any candidate at the said election.

B. That it was proved at the trial that the said George Clive, Esq., and John William Shaw Wyllie, Esq., were, by their agents, guilty of treating.

C. That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN, Election Judge.

BLACKBURN ELECTION.

[Received 19 March 1869.]

Blackburn.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

BLACKBURN ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Otterspool, Watford, 18 March 1869.

IN the matter of a Petition presented to the Court of Common Pleas by John Gerald Potter, and Montague Joseph Fielden, Esqrs., Candidates at the last Parliamentary Election for the Borough of Blackburn, against William Henry Hornby, Esq., and Joseph Fielden, Esq., who were returned as elected to serve in Parliament for the said borough, by which Petition a charge was made of corrupt practices having been committed at the Election; and it was prayed that it might be determined that the said William Henry Hornby and Joseph Fielden were not duly elected or returned, and that the Election was void;

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election
 Petitions

Petitions in England, having heard and determined the petition, certify and report as follows :

1. William Henry Hornby, Esq., one of the Members whose election and return are complained of by the petition, was not duly elected and returned.

2. Joseph Fielden, Esq., the other Member whose election and return are complained of by the petition, was not duly elected and returned.

3. The election complained of by the petition was void, by reason that the Members whose election is complained of were by their agents, but not personally, guilty of undue influence at such election within the meaning of "The Corrupt Practices Prevention Act, 1854," section 36.

4. No corrupt practice was committed at such election by or with the knowledge and consent of any candidate.

5. Upon the evidence it did not appear that corrupt practices extensively prevailed, nor that there is reason to believe that corrupt practices extensively prevailed, at the election.

6. Undue influence was exercised at the election by the threatened discharge in some cases, and the actual discharge or expulsion in others, shortly before the election, of workmen at certain mills in the borough, on account of their political opinions, such treatment having a direct tendency to intimidate not only those who were discharged or expelled, but also others who entertained, or might, if let alone, have chosen to adopt like opinions, and to induce them either to vote against, or not to vote according to such opinions. The intimidation began about the time of the municipal election, which preceded the Parliamentary election by a fortnight, and was contested by the party to which the Members adhered, with their concurrence, avowedly upon the same constitutional principles and as part of one political contest. The intimidation proceeded in most instances immediately from the fellow workmen of those who were ill-treated, but under circumstances in which it is highly improbable that they should have ventured upon such misconduct of their own heads, and in which the just inference is that they were led astray by overlookers or others in a higher position. In these cases the employers within a few days restored quiet, and in most instances did their best to repair the mischief by replacing the men discharged. Amongst those who thus interfered with their fellow workmen were very many whose names did not appear. The following were named, but no individual case was dwelt upon, and they were not called as witnesses, nor had any opportunity of explanation, viz., James Haworth, Henry Wade, Thomas Whittall, Henry Sharples, John Proctor (not the witness of a like name), Thomas Sharrock (not the witness), David Smalley, John Haworth (not the witness), George and James Indle, Jethro Leech, John Fielding, and James Fielding. In another and smaller class of cases men were threatened and discharged by persons in authority as managers, overlookers, and otherwise, who as a class had been specially called upon (with the sanction of the Members) to exercise their influence on the men, as in the case of William Greenwood's mill by John Langtree and William Wade, and at Coddington's canal mill by one Catlow, in the latter of which cases an attempt was made to recall the men, which failed because of their having taken legal proceedings by which, in the end, they recovered damages. The mischief thus done extended to a portion only of the mills upon the winning side. It does not appear to have led to retaliation. It was speedily checked by the interposition of the employers, but it must have left behind distrust and apprehension, which were expressly proved to have affected the votes of some few, and more than probably influenced many. For this interference with the free exercise of the franchise, proceeding in part, at least, from agency affecting the Members returned, the election is adjudged to be void.

7. The names of the persons mentioned in the next preceding paragraph are stated in obedience to "The Parliamentary Elections Act, 1868," section 11, article 14, letter (b), and not for the purpose of suggesting ulterior proceedings; on the contrary, it is respectfully submitted that, considering all the circumstances, any further vindication of the law is unnecessary.

J. S. WILLES.

DERBY COUNTY (NORTHERN DIVISION) ELECTION.

[Received 22 March 1869.]

Derby County
(Northern Division).

THE PARLIAMENTARY ELECTIONS ACT, 1868.

NORTH DERBYSHIRE ELECTION PETITIONS.

Common Pleas, Judges' Chambers,
22 March 1869.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by William Longsdon, Esq., and others, against Augustus Peter Arkwright, Esq., one of the Members of Parliament for Derbyshire, Northern Division, praying that it might be determined that the said Augustus Peter Arkwright was not duly elected or returned, and that his election and return were void; and also,

In the Matter of a Petition presented to the Court of Common Pleas by John Broxup Coates and another against the Honourable George Henry Cavendish, commonly called Lord George Henry Cavendish, another of the Members of Parliament for Derbyshire, Northern Division, with a like prayer as to the election of the said Lord George Henry Cavendish;

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw each of the said petitions upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and no one applying to be substituted as a petitioner.

J. S. WILLES.

CAMBRIDGE BOROUGH ELECTION.

[Received 22 March 1869.]

Cambridge Borough.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

CAMBRIDGE ELECTION PETITION.

Common Pleas, Judges' Chambers,
22 March 1869.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by Daniel Lloyd and John Brown, against Robert Richard Torrens, Esq., and William Fowler, Esq., Members of Parliament for the Borough of Cambridge, praying that it might be determined that the said Members respectively were not duly elected, and that the election was void.

I, Sir JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petition in England, report as follows:

Leave has been given to withdraw the above petition, such withdrawal having been shown to my satisfaction not to be the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, and no person applying to be substituted as petitioner.

J. S. WILLES.

THIRSK ELECTION.

[Received 22 March 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Thirsk.

THIRSK ELECTION PETITION.

Common Pleas, Judges' Chambers,
22 March 1869.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by Frederic Bell, Esq., and others, against Sir William Payne Gallwey, Baronet, Member of Parliament for the Borough of Thirsk, praying that it might be determined that the said Sir William Payne Gallwey was not duly elected or returned, and that his election was void.

I, Sir JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw the above petition upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, and no person applying to be substituted as petitioner.

J. S. WILLES.

TAUNTON ELECTION.—(No. 3.)

[Received 1 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

Taunton.
(No. 3.)

TAUNTON ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by John Dyke and William Oaten against Alexander Charles Barclay, complaining of his election and return as Member for the said borough at the last election.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the Trial of Election Petitions in England, hereby report to you, that leave has been given by me to withdraw the said petition, and that, in my opinion, the withdrawal of such petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and that no one applied to be substituted as a petitioner.

SAMUEL MARTIN.

YORK CITY ELECTION.—(No. 1.)

[Received 1 April 1869.]

York City.
(No. 1.)

PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

YORK CITY ELECTION PETITION.

IN the Matter of a Petition presented to the Court of Common Pleas by T. H. Gladstone against James Lowther, complaining of his election and return as Member for the said city at the last election.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the Trial of Election Petitions in England, hereby report to you that leave has been given by me to withdraw the said petition, and that, in my opinion, the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and that no one applied to be substituted as a petitioner.

SAMUEL MARTIN.

OLDHAM ELECTION.

[Received 1 April 1869.]

Oldham.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the borough of Oldham, in the county of Lancaster, between John Morgan Coblett, Frederick Lowton Spinks, Thomas Evan Lees, and John Bentley, Petitioners; and John Tomlinson Hibbert and John Platt, Respondents.

To the Right Honourable The Speaker.

Sir,

27 March 1869.

I HEREBY certify that, at the trial of the above election petition, I determined that John Tomlinson Hibbert, Esq., was duly returned and elected, and that John Platt, Esq., was duly returned and elected.

And, in compliance with the directions of the Parliamentary Elections Act, 1868, Section 11, I report—

(A.) That no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(B.) That James Fareman and William Mitchell were proved to have been bribed by the payment of their day's wages to vote for Messrs. Hibbert and Platt, and that James Purday and Benjamin Gallimore were proved to have bribed them by paying their day's wages; and that John Hardman, jun., was proved to have been guilty of undue influence.

(C.) That there is no reason to believe that corrupt practices have extensively prevailed at the said election.

COLIN BLACKBURN,
Election Judge.

SHREWSBURY ELECTION.

[Received 1 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

Shrewsbury.

SHREWSBURY ELECTION PETITION.

25 March 1869.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by Thomas Young and James Coch against James Figgins, Esq., Member of Parliament for the borough of Shrewsbury, complaining of his election and return as such Member at the last Parliamentary Election.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw the petition, upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and no one applying to be substituted as a petitioner.

J. S. WILLES.

DOVER ELECTION.

[Received 1 April 1869.]

PARLIAMENTARY ELECTIONS ACT, 1868.

Dover.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that, upon the 22nd and 23rd days of March 1869, I duly held a court at Dover, in the county of Kent, for the trial of, and did try, the election petition for the said borough of Dover, between John Helliott, Petitioner, and Alexander George Dickson, Respondent.

And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Alexander George Dickson, being the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made of corrupt practices having been committed at the said election, in further pursuance of the said Act I report as follows:—

That no corrupt practices was proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

And that, upon the trial of the said petition, there was no evidence before me that any corrupt practices prevailed at the said election.

SAMUEL MARTIN.

CHRISTCHURCH ELECTION.

[Received 8 April 1869.]

Christchurch.

THE PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

CHRISTCHURCH ELECTION PETITION.

Common Pleas Chambers, 8 April 1869.

To the Right Honourable The Speaker of the House of Commons.

IN the Matter of a Petition to the Court of Common Pleas by Harcourt Pouncefoot Popham and others against Edmund Haviland Burke, Esq., Member of Parliament for the borough of Christchurch, praying that it might be determined that the said Edmund Haviland Burke was not duly elected or returned, and that the election was void.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows :—

Leave has been given to withdraw the said petition, upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and no one applying to be substituted as a petitioner.

J. S. WILLES.

PEMBROKE BOROUGH ELECTION.

[Received 9 April 1869.]

Pembroke Borough.

THE PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

PEMBROKE BOROUGH ELECTION PETITION.

IN the Matter of a Petition presented to the Court of Common Pleas by William Hughes against Thomas Meyrick, Esq., complaining of his election and return as Member for the said Borough at the last Parliamentary Election.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the Trial of Election Petitions in England, do hereby report to you, as follows :—

That I have in due manner given leave and made an order for the withdrawal of the above petition; and that, in my opinion, the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

SAMUEL MARTIN.

YORK CITY ELECTION.—(No. 2.)

[Received 9 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

York City.
(No. 2.)

YORK ELECTION PETITION.

Common Pleas Chambers, April 1869.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition to the Court of Common Pleas by John Burrill against Joshua Proctor Brown-Westhead, Esq., Member of Parliament for the City of York, praying that it might be determined that the said Joshua Proctor Brown-Westhead was not duly elected or returned, and that the election and return of the said Joshua Proctor Brown-Westhead was void.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw the petition, upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and no one applying to be substituted as a petitioner.

J. S. WILLES.

HORSHAM ELECTION.—(No. 1.)

[Received 9 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868 (Section 36).

Horsham
(No. 1.)

HORSHAM ELECTION PETITION.

Dickins and Another against Hurst.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by Charles Spencer Scrace Dickins and another, against Robert Henry Hurst, Esq., who, by a double Return, has been returned together with John Aldridge, Esq., as being elected to serve in Parliament as Members for the Borough of Horsham, praying that it might be determined that the said Robert Henry Hurst was not duly elected or returned, and that the said John Aldridge was duly elected and returned.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:—

Leave has been given to withdraw the above petition, it being proved to my satisfaction that the whole matter could be disposed of under a like petition still pending against the said John Aldridge, Esq., and that the withdrawal of the petition against the said Robert Henry Hurst was not the result of any corrupt arrangement, nor in consideration of the withdrawal of any other petition, and no one applying to be substituted as a petitioner.

J. S. WILLES.

BRECKNOCK BOROUGH ELECTION.

[Received 12 April 1869.]

Brecknock
Borough.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 8th day of April 1869 and the following day, I duly held a court at Brecknock, in the county of Brecknock, for the trial of, and did try, the Election Petition for the said borough of Brecknock, between Thomas Prestwood Lucas and Mordecai Jones, Petitioners; and Howel Gwyn, Respondent. And in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Howel Gwyn, being the Member whose election and return were complained of in the said petition, was not duly elected or returned, and that his election was void, because he, by his agent, was guilty of bribery at the said election; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election, in further pursuance of the said Act I report as follows:—

That upon the trial of the said petition, no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election.

That James Morgan was proved, upon the said trial, to have been guilty of bribery at the said election.

That, upon the evidence before me on the said trial, there was no reason to believe that corrupt practices extensively prevailed at the said election.

SAMUEL MARTIN.

SOUTHAMPTON COUNTY (SOUTHERN DIVISION) ELECTION.
(No. 1.)

[Received 12 April 1869.]

Southampton
County (Southern
Division).
(No. 1.)

THE PARLIAMENTARY ELECTIONS ACT, 1868.

IN the Matter of an Election Petition for the Southern Division of the County of Hants, between John Watkins Drew, Petitioner; and Lord Henry Scott, Respondent.

To the Right Honourable the Speaker.

Sir,

12 April 1869.

HAVING this day made an order giving leave to the above petitioner to withdraw the above petition, I, in compliance with the 36th section of the above Act, report to you that, in my opinion, the withdrawal of the said petition was not the result of any corrupt arrangement, nor in consideration of the withdrawal of any other petition.

COLIN BLACKBURN,
Election Judge.

YORK COUNTY, WEST RIDING (SOUTHERN DIVISION) ELECTION.
(No. 1.)

[Received 16 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

York County, West
Riding (Southern
Division).
(No. 1.)

To the Right Honourable, the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 13th day of April 1869, and following days, I duly held a court at Wakefield, in the county of York, for the trial of, and did try, the Election Petition for the Southern Division of the West Riding of the county of York, between the Honourable Francis Dudley Stuart Wortley and George Wilton Chambers, Petitioners; and the Honourable William FitzWilliam, commonly called Viscount Milton, and Henry Frederick Beaumont, Respondents. And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Viscount Milton and Henry Frederick Beaumont, being the Members whose election and return were complained of in the said petition were duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election; in further pursuance of the said Act I report as follows:—

That no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

And that, upon the trial of the said petition, there was no evidence before me that any corrupt practices extensively prevailed at the said election.

SAMUEL MARTIN.

YORK COUNTY, WEST RIDING (SOUTHERN DIVISION) ELECTION.
(No. 2.)

[Received 16 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

York County, West
Riding (Southern
Division).
(No. 2.)

To the Right Honourable the Speaker of the House of Commons.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the Trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 13th day of April 1869, and following days, I duly held a court at Wakefield, in the county of York, for the trial of, and did try, the Election Petition for the Southern Division of the West Riding of the county of York, between Walter Thomas William Spencer Stanhope, Petitioner; and Henry Frederick Beaumont, Respondent. And, in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Henry Frederick Beaumont, being the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

SAMUEL MARTIN.

NORTHALLERTON ELECTION.

[Received 16 April 1869.]

Northallerton.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

NORTHALLERTON ELECTION PETITION.

Common Pleas, Judges' Chambers,
16 April 1869.

To the Right Honourable the Speaker of the House of Commons.

IN the Matter of a Petition presented to the Court of Common Pleas by Jasper Wilson Johns, Esq., against John Hutton, Esq., who was elected and returned to serve in Parliament for the said Borough at the last Parliamentary Election therefor, praying that it might be determined that the said John Hutton was not duly elected or returned, and that his election and return were void, and that the said Jasper Wilson Johns was duly elected, and ought to have been returned.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, certify such determination, and report thereupon as follows:—

1. John Hutton, the Member whose election is complained of by the petition, was duly elected and returned.

2. No corrupt practice was proved to have been committed by, or with the knowledge or consent of, any candidate at such election.

3. Upon the evidence it does not appear that corrupt practices have, nor that there is any reason to believe that they have, extensively prevailed at the election.

J. S. WILLES.

HASTINGS ELECTION.—(No. 1.)

[Received 19 April 1869.]

Hastings.
(No. 1.)

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of the Election Petition for the Borough of Hastings, in the County of Sussex, between Edward Barker Sutton and Robert Ransom, Petitioners; and Frederick North, Respondent.

To the Right Honourable the Speaker.

Sir,

19 April 1869.

I HEREBY certify that, at the trial of the above election petition, I determined that Frederick North, Esq., the Member whose return is complained of, was duly returned and elected.

And in compliance with the directions of the Parliamentary Elections Act, 1868, section 11, I report:—

(A.) That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(B.) That no person was proved to have been guilty of any corrupt practice.

(C.) That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN,
Election Judge.

HASTINGS ELECTION.—(No. 2.)

[Received 19 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Hastings.
(No. 2.)

COURT for the Trial of the Election Petition for the Borough of Hastings, in the County of Sussex, between the Honourable Colonel Calthorpe and Clement Arthur Thruston, Petitioners; and Thomas Brassey, Respondent.

Sir,

19 April 1869.

I HEREBY certify that, at the trial of the above election petition, I determined that Thomas Brassey, Esq., the Member whose return is complained of, was duly returned and elected.

And in compliance with the directions of the Parliamentary Elections Act, 1868, section 11, I report,—

(A). That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(B). That no person was proved to have been guilty of any corrupt practice.

(C). That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN,

Election Judge.

To the Right Honourable the Speaker.

HORSHAM ELECTION.—(No. 2.)

[Received 21 April 1869.]

PARLIAMENTARY ELECTIONS ACT.

Horsham.
(No. 2.)

IN the Matter of the Horsham Petition.

Sir,

Common Pleas Office, Chancery-lane,

16 April 1869.

I HAVE the honour to inform you that I am directed by the Court of Common Pleas to state that a notice, of which a copy is herewith enclosed, was received at the Master's Office on the 13th April instant.

I am, &c.

To the Right Honourable the Speaker.

J. GORDON.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

BOROUGH OF HORSHAM.

Robert Henry Hurst, Esq., Petitioner; and John Aldridge, Esq., Respondent.

TAKE notice that I do not intend to oppose this petition.—Dated this 13th day of April 1869.

JOHN ALDRIDGE,

the said Respondent.

To John Gordon, Esq.,
the Master appointed by the said Court in
the Matter of Election Petitions.

YOUGHAL ELECTION.

[Received 22 April 1869.]

Youghal.

PARLIAMENTARY ELECTIONS ACT, 1868.

IN the Matter of the Election Petition for the Borough of Youghal, between John Wellington Brasier, Petitioner; and Christopher Weguelin, Respondent.

I HEREBY certify to the Right Honourable the Speaker of the House of Commons, that the above-mentioned petition was tried before me on the 19th, 20th, 22nd, 23rd, 24th, 25th, 26th, and 27th of February, and the 1st and 2nd of March 1869, in the presence of the counsel and agents for said petitioner and said respondent respectively.

And I further certify that at the said trial before me, it was proved that on the 29th of July last, the respondent had declared he was a candidate for the representation of said borough of Youghal, and would stand as such at the election to be held for said borough of Youghal consequent on the then expected dissolution of the last Parliament (and which dissolution took place on the 11th of November last); and that said respondent, at various times, between said 29th of July and said 11th of November, canvassed various electors of said borough for their votes at such election, and declared from time to time his intention of seeking at such election to be returned as Member of Parliament for said borough; and which election (being that complained of by said petition) was held on the 19th and 21st of November last.

And I further certify, that it was also proved before me, at said trial, that on various occasions between the 31st of July last and said 11th of November, the said respondent had, by himself and his agents, corruptly caused drink to be given and provided to and for various voters and electors of said borough, and other persons, in order to be elected as Member of Parliament for the said borough of Youghal at such election.

And I further certify, that it was on said trial contended before me by respondent's counsel, that, inasmuch as the giving and providing of said drink was previous to said 11th of November last (the day of said dissolution), then that same did not constitute the offence of treating, and that respondent's said election was not thereby rendered void. But it was, on the other hand, contended by petitioner's counsel, that although the giving and providing of said drink as aforesaid was previous to said dissolution, yet that same constituted the offence of treating, and was a corrupt practice within the meaning of the Corrupt Practices Prevention Acts, and of said "Parliamentary Elections Act, 1868," or of some of them, and that respondent's said election was rendered void by such treating.

And I further certify that on said trial it appeared to me requisite that before finally determining as to the validity of said election, the questions of law arising from the fact of such giving and providing of drink as aforesaid having been previous to said dissolution should be considered by the Court of Common Pleas in Ireland under the 12th section of said "Parliamentary Elections Act, 1868," and that accordingly I should, under said section, postpone granting the certificate of my determination as to the validity of said election until the determination of such questions of law by said court.

And I further certify that, since said trial, I submitted for the consideration of said court a case, stating (amongst other things) the several facts hereinbefore mentioned to have been proved before me as aforesaid, and requesting the opinion and determination of said court upon the two following questions, viz.:

1st. Whether the corruptly causing of such drink to be given and provided as aforesaid previous to said dissolution constituted the offence of treating, and was a corrupt practice within the meaning of the Corrupt Practices Prevention Act and said "Parliamentary Elections Act, 1868," or of any of them?

2nd. Whether the respondent's said election was rendered void by such treating?

And I further certify that, said case having come on before said court for argument, the said court, after hearing counsel for said petitioner and respondent respectively, pronounced their judgment and determination thereon in answer to said questions, to the following effect, viz.:

1st. That the corruptly causing drink to be given and provided as aforesaid previous to said dissolution constituted the offence of treating, and that same was a corrupt practice within the meaning of the Corrupt Practices Prevention Acts and "The Parliamentary Elections Act, 1868."

2nd. That said respondent's election was rendered void by such treating.

And I beg to refer to copies of said case and of said judgment or determination, which I inclose herein.

And

Youghal.
—

And I further certify that, having regard to said judgment and determination, I have accordingly determined, and do determine, that said respondent, Christopher Weguelin, whose election was complained of by said petition, was not duly returned or elected at said election to serve in the present Parliament for said borough of Youghal, and that the said election for said borough was a void election.

And I further certify and report, that said Christopher Weguelin was by his agents guilty of the offence and corrupt practice of treating at said election, and that such corrupt practice was proved to have been committed with the knowledge and consent of said Christopher Weguelin.

And, in addition to the above certificate, I further certify and report that, save as aforesaid, no corrupt practice was proved at said trial to have been committed by or with the knowledge and consent of any candidate at such election.

And I further certify and report, that from the evidence at said trial, it did not appear to me that corrupt practices extensively prevailed at said election. And further, that there is not, in my opinion, reason to believe that corrupt practices extensively prevailed at said election.

And I beg further to state, that a copy of said petition, and a copy of the evidence given at the trial, as taken down by the deputy shorthand-writer of the House of Commons, and as furnished by him to me, accompany this my certificate.

Given under my hand this 20th day of April 1869.

JAMES O'BRIEN,

A Justice of the Queen's Bench in Ireland, and one of the Judges for the time being on the rota for the Trial of Election Petitions in Ireland, pursuant to said "Parliamentary Elections Act, 1868."

BOSTON ELECTION.

[Received 23 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

Boston.
—

BOSTON ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Southampton, 22 April 1869.

IN the Matter of a Petition to the Court of Common Pleas by Thomas Mason Jones against John Wingfield Malcolm and Thomas Collins, the younger, Members of Parliament for the Borough of Boston, praying that it might be determined that the said Members were not duly elected and returned, and that their election was void.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, report as follows:

Leave has been given to withdraw the above petition, upon proof to my satisfaction that such withdrawal was not the result of any corrupt arrangement, nor in consideration of the withdrawal of any other petition.

J. S. WILLES.

SOUTHAMPTON TOWN ELECTION.

[Received 28 April 1869.]

Southampton Town.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

SOUTHAMPTON ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chambers, 28 April 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by Alfred Pegler against the Right Honourable Russell Gurney and Peter Merrik Hoare, who were elected to serve in Parliament for the said borough at the election last holden, praying that their respective elections might be determined to be void, and that it might be declared that George Moffatt was duly elected and ought to have been returned.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, having heard and determined the said petition, certify and report as follows:—

1. The Right Honourable Russell Gurney, one of the Members whose return is complained of by the petition, was duly elected and returned.
2. Peter Merrik Hoare, the other Member whose return is complained of by the petition, was duly elected and returned.
3. No corrupt practice was proved to have been committed by, or with the knowledge and consent of, any candidate.
4. Upon the evidence it does not appear that corrupt practices extensively prevailed, nor that there is any reason to believe that corrupt practices extensively prevailed at the election.

J. S. WILLES.

SOUTHAMPTON COUNTY (SOUTHERN DIVISION) ELECTION.—
(No. 2.)

[Received 29 April 1869.]

Southampton
County
(Southern Division).
(No. 2.)

THE PARLIAMENTARY ELECTIONS ACT, 1868.

IN the Matter of the Election Petition of Charles Castleman and Arthur Frederick Naghton, Petitioners; complaining of the election and return of the Right Honourable William Francis Cowper, Respondent, who, at the late general election was returned one of the Members to serve in Parliament for the Southern Division of Hampshire.

To the Right Honourable the Speaker.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the Trial of Election Petitions in England, do hereby certify that I have duly, and in the manner prescribed by law, given leave that the said election petition be withdrawn; and I further certify and report to you, that, in my opinion, the withdrawal of the said petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition.

SAMUEL MARTIN.

DURHAM COUNTY (SOUTHERN DIVISION) ELECTION.

[Received 29 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Durham County
(Southern Division).

IN the Matter of the Election Petition of John Cary Hendy and William Watson Brown, Petitioners, complaining of the election and return of Joseph W. Pease and Frederick Blackett Beaumont, Respondents, who, at the late General Election, were returned to serve in Parliament for the Southern Division of the County of Durham.

To the Right Honourable the Speaker.

I, SIR SAMUEL MARTIN, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the Trial of Election Petitions in England, do hereby certify that I have duly, and in the manner prescribed by law, given leave that the said election petition be withdrawn.

I further report to you that, in my opinion, the withdrawal of the said petition was not the result of any corrupt arrangement or in consideration of the withdrawal of any other petition; and I further certify, that, upon the application to me for leave to withdraw the said petition, I was satisfied that no corrupt practice had been committed by the said Respondents, or either of them, or with their knowledge or consent.

SAMUEL MARTIN.

BEWDLEY ELECTION.—(No. 2.)

[Received 30 April 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Bewdley. (No. 2.)

COURT for the Trial of an Election Petition for the Borough of Bewdley, in the County of Worcester, between the Honourable Augustus Henry Archibald Anson, Petitioner; and John Cunliffe Pickersgill Cunliffe, Respondent.

To the Right Honourable the Speaker.

Sir,

29 April 1869.

I HEREBY certify that at the trial of the above election petition I determined that John Cunliffe Pickersgill Cunliffe, the Member whose return and election is complained of, was not duly returned and elected, and that the Honourable Augustus Henry Archibald Anson was duly elected, and ought to have been returned.

And, in compliance with the directions of "The Parliamentary Elections Act, 1868," section 11, I report,—

(A.) That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(C.) That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN, Election Judge.

HORSHAM ELECTION.--(No. 2.)

[Received 3 May 1869.]

To the Right Honourable the Speaker.

Horsham. (No. 2.) IN the Matter of the Horsham Election Petition, Robert Henry Hurst, Petitioner; and John Aldridge, Respondent.

Common Pleas Office, Chancery-lane,
3 May 1869.

Sir,

I HAVE the honour to report to you, in pursuance of the 40th section of "The Parliamentary Elections Act, 1868," that the petition in the above case is this day withdrawn by the said Petitioner.

I have, &c.

JOHN GORDON,
The prescribed officer appointed under the Act.

NEW SARUM ELECTION.

[Received 6 May 1869.]

New Sarum.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

NEW SARUM ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Court of Common Pleas, 5 May 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by Granville Richard Ryder against Edward William Terrick Hamilton, Member of Parliament for the Borough of New Sarum, praying that it might be determined that the said Edward William Terrick Hamilton was not duly elected or returned, and that the said Granville Richard Ryder was duly elected, and ought to have been returned; whereupon a special case was stated pursuant to "The Parliamentary Elections Act, 1868."

WE, the undersigned Judges of the Court of Common Pleas, before whom the said petition and special case have been heard and determined, certify the determination of the court as follows:—

The said Edward William Terrick Hamilton was duly elected and returned.

W. BOVILL.
J. S. WILLES.
MONTAGUE SMITH.
W. B. BRETT.

MANCHESTER ELECTION.

[Received 6 May 1869.]

Manchester.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

MANCHESTER ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas, 6 May 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by Frederic Royse and Charles Wright against Hugh Birley, one of the Members of Parliament for the City of Manchester, complaining of his election and return upon the ground of alleged disqualification; whereupon a special case was stated for the opinion of the court, pursuant to the Statute.

WE, the undersigned Judges of the Court of Common Pleas, before whom the said petition and special case were heard and determined, certify the decision and determination of the court as follows:—

The said Hugh Birley was duly elected and returned.

W. BOVILL.
J. S. WILLES.
MONTAGUE SMITH.
W. B. BRETT.

WARWICK COUNTY (SOUTHERN DIVISION) ELECTION.

[Received 10 May 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868, Section 36.

Warwick County
(Southern Division).

SOUTH WARWICKSHIRE ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Common Pleas Chamber, 7 May 1869.

IN the Matter of a Petition presented to the Court of Common Pleas by William Colley and others against John Hardy, Member of Parliament for the Southern Division of the County of Warwick, praying that it might be determined that the said John Hardy was not duly elected or returned, and that the election and return of the said John Hardy were void.

I, SIR JAMES SHAW WILLES, Knight, one of the Judges for the Trial of Election Petitions in England, certify as follows:

Leave has been given to withdraw the petition upon proof to my satisfaction that the withdrawal was not the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, no one applying to be substituted as a petitioner.

J. S. WILLES.

NORFOLK (NORTHERN DIVISION) ELECTION.

[Received 27 May 1869.]

THE PARLIAMENTARY ELECTIONS ACT, 1868.

Norfolk
(Northern Division).

COURT for the Trial of an Election Petition for the Northern Division of the County of Norfolk, between Edward Colman, Petitioner; and the Honourable Frederick Walpole and Sir Edmund Henry Knowles Lacon, Baronet, Respondents.

To the Right Honourable the Speaker.

Sir,

26 May 1869.

I HEREBY certify that at the trial of the above election petition I determined that the Honourable Frederick Walpole and Sir Edmund Henry Knowles Lacon, Baronet, the Members whose return and election is complained of, were duly returned and elected.

And in compliance with the directions of "The Parliamentary Elections Act, 1868," section 11, I report,—

(A.) That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(C.) That corrupt practices have not been proved to have, nor is there any reason to believe that corrupt practices have, extensively prevailed at the said election.

COLIN BLACKBURN,
Election Judge.

STAFFORD BOROUGH ELECTION.

[Received 27 May 1869.]

Stafford—Borough.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Stafford, in the County of Stafford, between Joseph Wile and Thomas Smallman, Petitioners; and Henry Davis Pochin, Respondent.

To the Right Honourable the Speaker.

Sir,

15 May 1869.

I HEREBY certify that at the trial of the above election petition, I determined that Henry Davis Pochin, Esquire, the Member whose return and election is complained of, was not duly returned and elected, and that the election was void.

And, in compliance with the directions of "The Parliamentary Elections Act, 1868," section 11, I report,—

(A.) That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(B.) That John Fallows, an agent for Mr. Pochin, was proved at the trial to be guilty of undue influence by inciting a riotous mob to intimidate persons in order to induce them to refrain from voting.

(C.) That there is not reason to believe that corrupt practices have extensively prevailed at the election to which this petition relates.

COLIN BLACKBURN,
Election Judge.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Stafford, in the County of Stafford, between Richard Croft Chawner, Petitioner; and Walter Meller, Respondent.

To the Right Honourable the Speaker.

Sir,

15 May 1869.

I HEREBY certify that at the trial of the above election petition I determined that Walter Meller, Esquire, the Member whose return and election is complained of, was not duly returned or elected, and that Richard Croft Chawner, Esquire, who claims the seat, was not duly elected, and that the election was void.

And, in compliance with the directions of "The Parliamentary Elections Act, 1868," section 11, I report—

(A.) That no corrupt practice has been proved to have been committed by, or with the knowledge or consent of, any candidate at the said election.

(B.) That George Arrowsmith, an agent for Colonel Meller, was proved to be guilty of bribery.

That John Fallows, an agent for Mr. Chawner, was proved to be guilty of undue influence, by inciting a riotous mob to intimidate persons, in order to induce them to refrain from voting.

(C.) That there is not reason to believe that corrupt practices have extensively prevailed at the election to which this petition relates.

And, in compliance with the directions in the 15th sub-section of the 11th section of the said Act, I beg specially to report to you some matters arising in the trial, an account of which in my judgment ought to be submitted to the House of Commons as material to be known when the renewal or extension of the Corrupt Practices Act comes under consideration.

On

On the trial, though in my opinion there was not reason to believe that corrupt practices had extensively prevailed at the election to which the petition refers, it appeared that at the previous election in 1865 corrupt practices had very extensively prevailed, being conducted on the one side by Mr. Brough, a solicitor, who was now one of the agents for Mr. Chawner (not a candidate in 1865), and on the other by Mr. Fernie, who, both at that election and at the present, was agent for Colonel Meller.

That it appeared amongst other things that at the election in 1865, Colonel Meller's election agent returned his expenses at a little more than 1,300 £, which account was signed by Mr. Morgan. It was now admitted that these expenses exceeded 5,000 £, the difference of at least 3,700 £ having been spent by Mr. Fernie, and as it was alleged, not known by the person signing the return.

These were clearly infringements of the Corrupt Practices Act amounting to misdemeanors; but the enactments in the 17 & 18 Vict. c. 102, s. 14, and 26 & 27 Vict. c. 29, s. 5, that no prosecution shall be instituted after the lapse of a year, gives them indemnity. It will be for the Legislature to consider whether it might not be expedient in future at least to make an exception where the prosecution is instituted after the lapse of a year by the Attorney General or by order of the House.

Further, on the return of the election expenses for the present election, which was signed by the same agent, Mr. Morgan, who had signed the false return in 1865, no vouchers were returned, they being retained by Mr. Fernie, who refused to allow them to be seen till compelled to do so by an order made by me in the course of this petition.

These vouchers, when produced, together with the evidence on the trial, satisfied me that Mr. Fernie had organised the machinery for extensive bribery if required, though I came to the conclusion that it was thought either not necessary or not safe to put it in operation.

This was, in my opinion, a wilful disregard of the directions in the 26th & 27th Vict. c. 29, s. 4. It will be for the Legislature to consider whether more effectual provisions should not be made to secure compliance with that enactment in future.

I hope it may not be considered impertinent, though not quite within my province, if I further remark that the utility of the election accounts would be much greater if the time for presenting a petition were extended to a time after the rendering of those accounts.

COLIN BLACKBURN,
Election Judge.

COPY of the LISTS of all PETITIONS complaining of undue ELECTIONS and RETURNS of MEMBERS to serve in PARLIAMENT, presented to the COURT of COMMON PLEAS at *Westminster*, or to the COURT of COMMON PLEAS at *Dublin*, or to the INNER HOUSE of the COURT of SESSION in *Scotland*, with the Names of the Petitioners and Respondents; specifying whether the Elections have been declared Valid or Void, or whether the Petitions have been Withdrawn, or Filed but no Security given, and also whether in any case further Proceedings have been ordered to be stayed.

ENGLAND AND WALES.

RETURN of all PETITIONS complaining of undue ELECTIONS and RETURNS of MEMBERS to serve in PARLIAMENT, filed in the RULE OFFICE of the COURT of COMMON PLEAS at *Westminster*, pursuant to "The Parliamentary Elections Act, 1868," with the Names of the Petitioners and Respondents.

No.	BOROUGH or COUNTY.	PETITIONER.	RESPONDENT.	RESULT.
1	Norwich - - Borough of -	Tillett, J. H. - - -	Stracey, Bart., Sir Henry Josias	Election declared void.
2	Gloucester - - " -	Niblett, F., and eight others	Price, William Philip, and Monk, Charles James.	Petition withdrawn.
3	New Windsor - - " -	Gardner, Colonel R. R. -	Eykyne, Roger - - -	Election declared valid.
4	Bewdley - - " -	Sturge, C., and another -	Glass, Sir Richard Atwood -	Election declared void.
5	Coventry - - " -	Berry, T., and 30 others -	Eaton, Henry William, and Hill, Alexander Staveley.	Election declared valid.
6	Bridgwater - - " -	Westropp, H., and another -	Kinglake, Alexander William, and Vanberbyl, Philip.	Election declared void.
7	Warrington - - " -	Crosier, M., and 77 others -	Rylands, Peter - - -	Election declared valid.
8	Guildford - - " -	Elkins, W. E., and two others	Onslow, Guildford James Hillier Mainwaring Ellerker.	- - ditto.
9	Salford - - " -	Anderson, R., and two others	Cawley, Charles Edward, and Charley, William Thomas.	- - ditto.
10	Hereford - - " -	Thomas, F. H., and two others	Clive, George, and Wyllie, John William Shaw.	Election declared void.
11	Bodmin - - " -	Adams, R., and two others -	Leveson-Gower, Hon. Edward Frederick.	Election declared valid.
12	Stockport - - " -	Hallam, E., and another -	Tipping, William - - -	Petition withdrawn.
13	Stockport - - " -	Walton, J., and another -	Smith, John Benjamin - - -	- - ditto.
14	Bradford - - " -	Storey, S., and another -	Forster, Right Hon. William Edward.	Election declared valid.
15	Bradford - - " -	Haley, J., and three others -	Ripley, Henry William - - -	Election declared void.
16	Penryn - - " -	Broad, R. R., and two others	Fowler, Robert Nicholas, and Eastwick, Edward Backhouse.	Election declared valid.
17	Lichfield - - " -	Anson, Hon. A. H. A. - - -	Dyott, Richard - - -	- - ditto.
18	Beverley - - " -	Hind, L., and two others -	Edwards, Bart., Sir Henry, and Kennard, Edmund Higan.	Election declared void.
19	Wallingford - - " -	Dilke, Bart., Sir Charles W.	Vickers, Stanley - - -	Election declared valid.
20	Cheltenham - - " -	Gardner, J. T. Agg - - -	Samuelson, Henry Bernhard -	- - ditto.
21	Westbury - - " -	Laverton, A. - - -	Phipps, John Lewis - - -	Election declared void.
22	Oldham - - " -	Cobbett, J. M., and three others.	Hibbert, John Tomlinson, and Platt, John.	Election declared valid.
23	Stalybridge - - " -	Ogden, J., and two others -	Sidebottom, James - - -	- - ditto.
24	Tamworth - - " -	Hill, J., and another - - -	Peel, Bart., Right Hon. Sir Robert, and Bulwer, Knight, Right Hon. Sir Henry Lytton.	- - ditto.
25	Wigan - - " -	Brayshay, D., and another -	Woods, Henry, and Lancaster, John.	- - ditto.
26	Ashton-under-Lyne - - " -	Clarke, W. - - -	Mellor, Thomas Walton - - -	No security given.
27	Westminster - - " -	Beal, J., and two others -	Smith, William Henry - - -	Election declared valid.
28	The Hartlepoons - - " -	Gray, W., and two others -	Jackson, Ralph Ward - - -	Petition withdrawn.
29	Kingston-upon-Hull - - " -	Pease, J. W., and two others	Norwood, Charles Morgan, and Clay, James.	- - ditto.
30	Taunton - - " -	Dyke, J., and another -	Barclay, Alexander Charles -	- - ditto.
31	Taunton - - " -	Williams, T. M., and another	Cox, Edward William - - -	Election declared void.
32	King's Lynn - - " -	Armes, W., and another -	Bourke, Hon. Robert - - -	Election declared valid.
33	Blackburn - - " -	Potter, J. G., and another -	Hornby, William Henry, and Feilden, Joseph.	Election declared void.
34	Preston - - " -	Toulmin, J., and another -	Hermon, Edward, and Hesketh, Bart., Sir Thomas George Fermor.	Petition withdrawn.
35	Pembroke - - " -	Hughes, W. - - -	Meyrick, Thomas - - -	- - ditto.
36	York - - " -	Gladstone, J. H. - - -	Lowther, James - - -	- - ditto.
37	York - - " -	Burrill, J. - - -	Westhead, Joshua Proctor Brown	- - ditto.
38	Cambridge - - " -	Lloyd, D., and another -	Torrens, Robert Richard, and Fowler, William.	- - ditto.
39	Horsham - - " -	Hurst, R. H. - - -	Aldridge, John - - -	- - ditto.
40	Horsham - - " -	Dickins, C. S. S., and another	Hurst, Robert Henry - - -	- - ditto.

No.	BOROUGH or COUNTY.	PETITIONER.	RESPONDENT.	RESULT.
41	Rye - - - Borough of -	Judge, J. - - - -	Hardy, John Stewart - -	No security given.
42	Manchester - - - -	Royse, F., and another -	Birley, Hugh - - - -	Election declared valid.
43	Woodstock - - - -	Godden, J. N., and two others	Barnett, Henry - - - -	No security given.
44	Boston - - - -	Jones, T. M. - - - -	Malcolm, John Wingfield, and Collins, Thomas, junior.	Petition withdrawn.
45	Northallerton - - - -	Johns, J. W. - - - -	Hutton, John - - - -	Election declared valid.
46	Brecknock - - - -	Lucas, T. P., and another -	Gwyn, Howel - - - -	Election declared void.
47	Worcester - - - -	Richards, T. - - - -	Laslett, William - - - -	No security given.
48	Thirsk - - - -	Bell, F., and three others -	Gallwey, Bart., Sir William Payne.	Petition withdrawn.
49	Christchurch - - - -	Popham, H. P., and three others	Burke, Edmund Haviland - -	- - ditto.
50	Shrewsbury - - - -	Young, T., and another -	Figgins, James - - - -	- - ditto.
51	Hastings - - - -	Calthorpe, Hon. S. G., and another.	Brassey, the younger, Thomas -	Election declared valid.
52	Hastings - - - -	Sutton, E. B., and another -	North, Frederick - - - -	- - ditto.
53	New Sarum - - - -	Ryder, G. R. - - - -	Hamilton, Edward William Terrick.	- - ditto.
54	London - - - -	Piercey, R. - - - -	Göschén, The Right Hon. George Joachim; Crawford, Robert Wygram; and Lawrence, William.	No security given.
55	London - - - -	Way, F. H. - - - -	Göschén, The Right Hon. George Joachim; Crawford, Robert Wygram; and Lawrence, William.	- - ditto.
56	Dover - - - -	Helliott, J. - - - -	Dickson, Alexander George -	Election declared valid.
57	Southampton - - - -	Pegler, A. - - - -	Gurney, Right Hon. Russell, and Hoare, Peter Merrick.	- - ditto.
58	Stafford - - - -	Chawner, R. C. - - - -	Meller, Walter - - - -	Election declared void.
59	Stafford - - - -	Wile, J., and another -	Pochin, Henry Davis - - -	- - ditto.
60	Leicester, County of - - -	Smith, G., and another -	Manners, Lord John, and Clowes, Samuel William.	No security given.
61	Hants, County of - - - (Southern Division).	Castleman, C. - - - -	Cowper, Right Hon. William Francis.	Petition withdrawn.
62	Hants, County of - - - (Southern Division).	Drew, J. W. - - - -	Scott, Lord Henry - - - -	- - ditto.
63	York, County of - - - (Southern Division of West Riding).	Stanhope, W. T. Spencer -	Beaumont, Henry Frederick -	Election declared valid.
64	York, County of - - - (Southern Division of West Riding).	Wortley, Hon. S. D. Stuart, and another.	Milton, Lord, and Beaumont, Henry Frederick.	- - ditto.
65	Warwick, County of - - - (Southern Division).	Colley, W., and five others -	Hardy, John - - - -	Petition withdrawn.
66	Norfolk, County of - - - (Northern Division).	Colman, E. - - - -	Walpole, Hon. Frederick, and Lacon, Bart., Sir Edmund Henry Knowles.	Election declared valid.
67	Durham, County of - - - (Southern Division).	Hendy, J. C. - - - -	Pease, Joseph Whitwell, and Beaumont, Frederick Blackett.	Petition withdrawn.
68	Derby, County of - - - (Northern Division).	Longsdon, W., and five others	Arkwright, Augustus Peter -	- - ditto.
69	Derby, County of - - - (Northern Division).	Coates, J. B. - - - -	Cavendish, Lord George Henry -	- - ditto.
70	Bradford - - - Borough of	Storey, S., and another -	Forster, Right Hon. William Edward.	- - ditto.
71	Bewdley - - - -	Anson, the Hon. A. H. A. -	Cunliffe, John Cunliffe Pickersgill.	Election declared void.
72	Taunton - - - -	Waygood, A., and another -	James, Henry - - - -	Further proceedings in this petition ordered to be stayed by Rule of Court of Common Pleas.
73	Brecknock - - - -	Evans, D., and three others -	Hyde, Lord - - - -	To be tried on 17th June 1869.

W A L E S :

A N A L Y S I S.

Elections declared valid - - - -	27
Elections declared void - - - -	13
Petitions withdrawn by Judges' Order - - - -	24
Petitions filed, but no security given - - - -	7
Petition in which further proceedings were ordered to be stayed by Rule of Court of Common Pleas - - - -	1
Petition (Brecknock) not yet tried - - - -	1
TOTAL - - - -	73

10 June 1869.

John Gordon,
The Prescribed Officer appointed under
"The Parliamentary Elections Act, 1868."

SCOTLAND.

RETURN of ELECTION PETITIONS presented to the COURT of SESSION in *Scotland*.

Numbers.	Dates of Presentation.	NAMES OF PETITIONERS AND RESPONDENTS.	HOW PETITIONS DISPOSED OF.
1	14 Dec. 1868	Petition of Major George Gustavus Walker against the election and return of Sir Sydney Hedley Waterlow, Knight, as Member for the county of Dumfries.	Petition withdrawn on 22nd January 1869, with the leave of Lord Cowan, the Judge appointed for the trial thereof, upon special application by the petitioner in terms of the Act of Parliament, the petitioner being found liable in costs. The withdrawal of this petition was also reported to the Right Honourable the Speaker on the 26th January 1869.
2	14 " "	Petition by William Dougal Christie against the election and return of James Johnstone Grieve, as Member for the Burgh of Greenock.	Petition tried at Greenock by Lord Barcaple, on 9th February 1869 and four following days, and the election of the respondent declared valid, the petitioner being subjected in costs. The result of the trial was reported to the Right Honourable the Speaker on 15th February 1869.
3	19 " "	Petition by Edmund Beatty Lockyer against the election and return of George Loch, as Member for the Wick or Northern District of Burghs.	Petition withdrawn on 26th February 1869, with the leave of the Honourable Lord Jerviswoode, the Judge appointed for the trial thereof, upon special application by the petitioner in terms of the Act, the petitioner being subjected in costs. The withdrawal of this petition was reported to the Right Honourable the Speaker on 26th February 1869.

Certified by me, one of the principal Clerks of the Court of Session in Scotland, appointed to discharge the duties of "Prescribed Officer," in terms of the Act of Parliament.

Edinburgh, 5 June 1869.

H. Maxwell Inglis.

IRELAND.

RETURN of ELECTION PETITIONS presented in *Ireland*.

COUNTY, CITY, OR BOROUGH.	PETITIONER.	RESPONDENT.	RESULT OF PETITION.
Limerick - - - -	D. Ryan and others - -	George Gavin and J. W. Russell	Election declared valid.
Carrickfergus - - -	Robert Torrens - - -	M. R. Dalway - - -	- - ditto.
Londonderry - - -	D. J. M'Gowan and another -	Richard Dowse - - -	- - ditto.
Belfast - - - -	James M'Tier - - -	Thomas M'Clure - - -	- - ditto.
Galway - - - -	Thomas M'Govern - - -	Lord St. Laurence and Sir R. Blennerhassett.	- - ditto.
Drogheda - - - -	Sir J. L. M'Clintock - -	Benjamin Whitworth - -	Election declared void.
Wexford - - - -	John Sutton and others - -	R. J. Devereux - - -	- - ditto.
Dublin, City - - -	George Foley and another -	Sir A. Guinness - - -	- - ditto.
Cashel - - - -	Henry Munster - - -	J. L. O'Beirne - - -	- - ditto.
Sligo, Borough - - -	Michael Foley - - -	Major Knox - - -	- - ditto.
Youghal - - - -	John W. Brazier - - -	Christopher Weguelin - -	- - ditto.
Dublin, City (Second Petition)	Hon. D. Plunkett - - -	Jonathan Pim - - -	Withdrawn.
Carlow - - - -	Richard Boardman - - -	William Fagan - - -	- ditto.
Enniskillen - - -	George Kittson and another -	Viscount Crichton - - -	- ditto.
Athlone - - - -	John Stamford - - -	John J. Ennis - - -	- ditto.
Sligo, County - - -	Henry Griffith - - -	D. M. O'Conor - - -	- ditto.
Sligo, County - - -	John Hamen and another -	Sir R. G. Booth - - -	- ditto.
Cashel (Second Petition) -	Henry Munster - - -	J. L. O'Beirne - - -	Petitioner having claimed seat, declared not duly elected.
Youghal, Borough - - -	Henry Thomas and others -	Montagu John Guest - -	To be heard.

5 June 1869.

Chas. Granby Burke,
Master of Common Pleas, Ireland.

ELECTION PETITIONS.

COPY of the SHORTHAND WRITERS' NOTES of the JUDGMENTS delivered by the JUDGES selected in pursuance of "The PARLIAMENTARY ELECTIONS ACT, 1868," for the TRIAL of ELECTION PETITIONS.

PART II.

And, COPY of CERTIFICATES and REPORTS received from the Judges selected for the TRIAL of ELECTION PETITIONS, and of Proceedings in the Case of a Double Return.

Also, COPY of the LISTS of all PETITIONS complaining of undue ELECTIONS and RETURNS of MEMBERS to serve in PARLIAMENT, presented to the Court of Common Pleas at *Westminster*, or to the Court of Common Pleas at *Dublin*, or to the Inner House of the Court of Session in *Scotland*, &c.

(*Mr. Attorney General.*)

*Ordered, by The House of Commons, to be Printed,
3 May and 10 June 1869.*

[*Price 2s.*]

120—I.

Under 20 oz.

BEVERLEY ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

BEVERLEY ELECTION PETITION.

(1869.)

Ordered, by The House of Commons, to be Printed,
18 March 1869.

REPORT	- - - - -	p. iii
MINUTES OF EVIDENCE	- - - - -	p. 1

R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the trial of Election Petitions in England, do hereby in pursuance of the said Act, certify that upon the 9th day of March 1869, and the two following days, I duly held a Court at Beverley in the County of York, for the trial of, and did try the Election Petition, for the said borough of Beverley, between Luke Hind, John Armstrong, and Joseph Dannatt, Petitioners, and Sir Henry Edwards, Baronet, and Edmund Hegan Kennard, Respondents.

And in further pursuance of the said Act I certify that, at the conclusion of the said trial, I determined that the said Sir Henry Edwards and Edmund Hegan Kennard, being the Members whose election and return were complained of in the said Petition, were not duly elected or returned, and that the said election for the said borough was void ; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said election, in further pursuance of the said Act, I report as follows :—

That upon the said trial of the said Petition no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates at the said election.

That the number of persons who were proved at the said trial to have been guilty of corrupt practice was 104, and that their names are written in the Schedule hereunto annexed.

And, in further pursuance of the said Act, I report that corrupt practices did prevail, and that there is reason, upon the evidence before me, to believe that they did extensively prevail at the said election.

And, in further pursuance of the said Act, I make this Special Report as to certain matters arising in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

The registered voters of the borough were stated to be about 2,600, and at the election referred to in the Petition, Sir Henry Edwards and Captain Kennard (who until this election was a stranger to the borough) were candidates upon the Conservative interest, and Mr. Maxwell and Mr. Anthony Trollope candidates upon the Liberal interest. The result of the poll was that Sir Henry Edwards polled 1,132 votes ; Captain Kennard, 986 votes ; Mr. Maxwell, 895 votes ; and Mr. Trollope, 740 votes.

It appeared that Sir Henry Edwards first came to Beverley as a candidate in the year 1857, upon the invitation of a Mr. Wreghitt, a draper in the town, on behalf of himself and others ; Sir Henry Edwards was then elected. Shortly after that time Sir Henry became the chairman of a company carrying on its business in the borough, called The Beverley Waggon Company, Limited ; of this company a Mr. Norfolk, hereinafter mentioned, was manager, and a Mr. Usher the secretary. From and after the year 1857, and continually until the present time, Mr. Wreghitt has been and is the confidential agent of Sir Henry Edwards for the purposes and management of his Parliamentary interest in the borough, and during this period and from time to time he remitted to Mr. Wreghitt sums of money to be expended by him in support of it.

It appeared that no detailed account of the expenditure of this money was ever given to or asked for by Sir Henry Edwards, and although both he and Mr. Wreghitt were witnesses at the trial, neither of them were examined as to

what amount of money was so remitted and received, or how it was expended, beyond some general questions which were answered by a statement that money was paid for charitable purposes and for a subscription to an agricultural association.

There is a municipal corporation of Beverley, which consists of six aldermen and 18 town councillors. The Town Council receives the income of the corporation and defrays its expenditure and also that of the gasworks, the highways, and a navigation. The corporation also possess some property in the neighbourhood, and the town council possess the influence arising from a considerable expenditure in labour and from the corporation property. The bulk of the labourers and work-people living in Beverley are, either as freemen or householders, voters at the Parliamentary election. From the time of Mr. Wreghitt's becoming agent to Sir Henry Edwards, a continued and successful attempt has been made by means of bribery to secure the town council to the Conservative interest, and for this purpose, through the agency of Mr. Wreghitt, money has been expended in bribing the voters at every contest for the town councillors during his agency. His own statement was, that during the last 12 years the average amount spent upon the municipal elections had been from 50 *l.* to 70 *l.*, but that several times there had been no contest, and that the lowest sum paid to his knowledge at a municipal contest, was 130 *l.* to 140 *l.*, and the highest 300 *l.*, but which occurred before his agency for Sir Henry Edwards; and the evidence was that the bribes paid to the individual voter varied from 2 *s.* 6 *d.* to 5 *s.*, which may be taken to have been the ordinary bribe until the election in November last. It was stated that, in some instances, as much as 1 *l.* had been given, but the circumstances did not appear under which so large a sum beyond the ordinary one was paid; the result is, that the members of the town council are at present almost all in the Conservative interest, and that practically they have in their hands the control and management of the corporation funds, and it is alleged that they make use of them and the influence arising from them for the exclusive support and furtherance of this interest.

It also appeared that at an election of town councillors which occurred two or three years ago, the Conservative candidates had the majority at the poll; but some irregularity having occurred in the election, a *quo warranto* information was filed in the Court of Queen's Bench, which was determined in favour of the relators, and that Sir Henry Edwards and the other Member for the borough who sat with him in the Conservative interest paid the costs of this information through Mr. Wreghitt. Mr. Wreghitt was much pressed to state the amount so paid, but said he did not recollect it, and he would not say whether it did not amount to 500 *l.*

It further appeared that the freemen of Beverley, who are also Parliamentary electors, are entitled to the pasturage of large pastures in the borough, to the extent of 1,174 acres; and that, by an Act of Parliament passed in the year 1836, twelve pasture masters are to be elected annually by the freemen, which pasture masters have the management of the pastures and the control of the income and expenditure arising from and relating to them. From a document put in evidence, being their account from February 1868 to February 1869, it appears that the amount of income received by the pasture masters during that year was about 940 *l.*, and the expenditure about 635 *l.* When Mr. Wreghitt became the agent of Sir Henry Edwards, the practice was that the pasture masters were equally divided between the two parties, the Conservative and Liberal, six of each; but that afterwards, by means of money supplied by Mr. Wreghitt, the same system of bribery was resorted to in the election of pasture masters as in the election of town councillors, and by this corrupt expenditure it has resulted that the entire body is now in the Conservative interest.

By the will of a Mr. Robert Walker an annual income of about 90 *l.* was given to the pasture masters upon trust, to distribute it between poor freemen of the borough, or their widows or children, to aid them in respect of losses which they might sustain by the death of their stock, and to enable them to purchase other stock; to help them in the world, and for other purposes of a similar nature; and the testator declared "his wish and intention to be, that the payments should be made in such substantial sums as would effect the object he had in view, and that they should not be made or given in small amounts,

amounts, so as to embrace a greater number of objects." An account of the receipts and payments for the year ending February 1869 was put in evidence, by which it appears that the net income of that year was distributed amongst 42 persons; of these, six were women, and of the remainder all, except two, were Parliamentary voters; the sums paid were all small, varying from 3*l.* downwards; and it is alleged that these payments were made by the pasture masters in direct violation of their trust, and with a view to influence votes at the elections. At the late election 34 of these freemen voted, of whom 26 voted for Sir Henry Edwards, 23 for Mr. Kennard, 11 for Mr. Maxwell, and seven for Mr. Trollope.

It was notorious during the autumn of last year that Parliament would be dissolved, and the general election take place about the middle of November. The election of town councillors took place on the 2nd November; there were six vacancies to be filled up—three in each of the two wards, there being two in the borough; and there were six Conservative and six Liberal candidates. Three of the Conservative candidates were Mr. Norfolk, Mr. Usher, and a Mr. J. B. Lowther. The election took place on Monday the 2nd November, and the Parliamentary Election about a fortnight afterwards. It appears from the evidence of Mr. Norfolk, that on the Friday or Saturday before the municipal election he went to a bank at Beverley, at which he did not keep an account himself, nor was the account of the Waggon Company kept there, and arranged with the manager of that bank for a loan of from 400*l.* to 500*l.* He stated that he believed he drew out 500*l.* on the Saturday, but upon that day, and on the Monday, he drew out 800*l.*, 750*l.* of which, at least, was spent in bribery. He paid it to various persons whom he named; amongst others to the Mr. Lowther before mentioned, to whom he gave 100*l.* on the Saturday and 120*l.* on the Monday. The municipal electors were to a great extent also Parliamentary electors; there appeared to have been no secrecy either observed or imposed upon the parties bribed. Bribes were paid to all who would accept them; some payments were made in the street, but three houses were particularly named at which the bribery took place; one was at a public-house called the "Golden Ball," where a man named Watson, an auctioneer, sat at a table; he had a bag of gold coin before him, and a book in which he entered the names of the persons to whom he paid the bribes. No secrecy was observed, and batches of three or four voters went up at a time, and the bribes were sometimes paid to each in the presence of the others, and in other instances a sum was paid to one to be distributed by him amongst the party accompanying him. Another house where bribes were paid was the shop of a person named Dickenson, where the voting-papers were filled up. Another place was a public-house of a Mrs. Padget.

It has already been stated that the ordinary bribe previously paid at municipal elections, varied from 2*s.* 6*d.* to 5*s.* For this election, however, except in one instance, no bribe less than 15*s.* appears to have been paid; 1*l.* was proved to have been paid in several instances, but 17*s.* 6*d.* was the general bribe. Upwards of 60 voters who were bribed were examined at the trial, and proved the fact. The bribes were paid indiscriminately to all who would receive them, and several of the witnesses stated that they were paid and received "of course": the result was, that early in the morning of the municipal election, certainly as early as 11 o'clock, the Conservative candidates were in a great majority, so great that the managers of the Liberal party gave up the contest; but notwithstanding this, and after more than half of the entire voters had voted for the Conservative candidates, the payment of the bribes was continued, and nearly the whole 800*l.* was expended in this manner. It was stated by Mr. Norfolk that this 800*l.* was to be repaid by him to the bank, each of the other candidates contributing an equal share with him, but no part of the money has yet been repaid, and the whole amount is still due to the bank; nor have the other candidates paid to Mr. Norfolk any part of what is alleged they were to contribute. Very few of the above facts, and none of them relative to the last municipal election, were disputed or denied by the learned counsel for the Respondents. The contention was that the bribes then given were to influence the municipal election only, and not at all to influence the Parliamentary election.

Sir Henry Edwards and Captain Kennard came to Beverley the following day, the 3rd November, and there was no evidence that from that day any

bribery took place; and Sir Henry Edwards stated that until the trial he never was told or heard of the bribery and corruption which had taken place at the municipal election. As it was proved that Mr. Lowther and others who were directly engaged in this bribery canvassed with him during the ensuing fortnight, it is obvious that the municipal bribery of the 2nd of November, which must have been notorious in the borough, was, of purpose and design, concealed and kept back from him. Captain Kennard seems to have heard something of it; but as his evidence was merely that he might have been told of it, he most probably was not made acquainted with its extent, as, if he had, he could not have failed to have recollected it.

I was perfectly satisfied, upon the whole of the evidence, that more than 800 Parliamentary electors were bribed, and what several witnesses stated to have been said to them by the persons who bribed them, viz., that the bribes were for "the Parliamentary election as well as the municipal election," was the truth. The persons who were alleged to have made these statements were all named, and not one of them were called to contradict it. The excuse alleged for this bribery was that the Liberal party were doing the same.

It was stated by Mr. Norfolk that his reason for drawing out the money on the Monday was that he was told the Liberal party were paying 25 s. a vote, with money supplied by Messrs. Maxwell and Trollope, who were at that time in the borough as candidates. I had no means of investigating this matter, as it was not in issue in the Petition before me, nor did I think it right of myself to continue the examination of the witnesses called beyond the examination and cross-examination of the learned counsel.

The only witnesses called for the Respondents were Mr. Norfolk and Mr. Wreghitt, and the Respondents themselves; neither Mr. Lowther nor any of the other persons who paid the bribes were called. If it be thought right to have the condition of this borough with regard to the general prevalence of bribery and corruption thoroughly investigated, it can only be done by a Commission issued in pursuance of the 15 and 16 Vict. c. 57.

SAMUEL MARTIN.

SCHEDULE.

- | | |
|------------------------------------|---------------------------|
| 1. Richard Norfolk. | 53. Richard Tattersall. |
| 2. J. B. Lowther. | 54. John Rawson. |
| 3. John Stothard. | 55. William Weldrake. |
| 4. William Watson, a painter. | 56. William Addy. |
| 5. William Watson, auctioneer. | 57. Martin Lascelles. |
| 6. Robert Knaggs Wallis. | 58. John Reap. |
| 7. Mr. Cleaver, of Railway-street. | 59. Matthew Wilson. |
| 8. William Calterson, junior. | 60. John Dalton. |
| 9. Benjamin Moore. | 61. John Bean. |
| 10. Robert Thirsk. | 62. George Petch. |
| 11. Tindal Brown. | 63. John Shields. |
| 12. Thomas Richmond. | 64. Robert Everington. |
| 13. — Browsho. | 65. James Smethley. |
| 14. David Nutchey. | 66. William Etherington. |
| 15. Thompson Ireland. | 67. William Knipe. |
| 16. William Vernam. | 68. William Haigh. |
| 17. — Thompson, a barber. | 69. Robert Turnbull. |
| 18. Robert Walker. | 70. James William Lovell. |
| 19. William Chadwick. | 71. Robert Towse. |
| 20. John Robinson Bentley. | 72. Henry De Caux. |
| 21. Samuel Beilby. | 73. Daniel Nicholson. |
| 22. Mr. Monkman. | 74. Levi Nicholson. |
| 23. Samuel Bishoprick. | 75. Joseph Sykes. |
| 24. Mr. Kemplay. | 76. William Dixon. |
| 25. Thomas Green. | 77. William Noon Dixon. |
| 26. Thomas Harris. | 78. John Constable. |
| 27. Thomas Sumner. | 79. John Grantham. |
| 28. Edward Christian. | 80. John Tebb. |
| 29. William Rippon. | 81. Henry Condor. |
| 30. Mrs. Lamb, "Tanners' Arms." | 82. George Wilkinson. |
| 31. Mr. Levitt. | 83. John Abbott. |
| 32. Mr. Skinn. | 84. William Woollock. |
| 33. James Haddlesey. | 85. George Brusby. |
| 34. Thomas Duffill. | 86. Joseph Kitching. |
| 35. Thomas Haslehurst. | 87. Robert Charlton. |
| 36. Spence Collinson. | 88. James Walters. |
| 37. George Walker. | 89. George Cross. |
| 38. James Atkinson. | 90. Joseph Anderson. |
| 39. John Brooks. | 91. Robert Grassby. |
| 40. John Wardell. | 92. Thew Railton. |
| 41. Edward Beattie. | 93. Henry Wallis. |
| 42. James Ellis. | 94. Henry Whitehead. |
| 43. John McGinnis. | 95. John Chambers. |
| 44. John Folkes. | 96. James Harrison. |
| 45. John Shaw Tomlinson. | 97. Robert Shaw Porte. |
| 46. John Tomlinson. | 98. George Sanderson. |
| 47. William Thompson. | 99. Joseph Elliott. |
| 48. John Goldwell. | 100. William Jarvis. |
| 49. George Sumpter. | 101. Isaac Cooke. |
| 50. Horner Walters. | 102. Samuel Barrett. |
| 51. Robert Moore. | 103. Thomas Foster. |
| 52. Thomas Appleton. | 104. Robert Castle. |

SAMUEL MARTIN.

LIST OF WITNESSES.

Tuesday, 9th March 1869.

	PAGE.		PAGE.
Mr. William Thirsk - - - - -	1	John Duffill - - - - -	20
Mr. Richard Hodgson - - - - -	3	Thomas Watson Wilson - - - - -	21
Mr. Thomas Evans - - - - -	6	Thomas Duffill - - - - -	21
Mr. John Dalton - - - - -	6	Spence Collinson - - - - -	23
Mr. Richard Southwick - - - - -	7	Robert Hambleton - - - - -	25
John Reeney Oxley - - - - -	8	James Atkinson - - - - -	26
Stephen George Smelt - - - - -	9	John Brooks - - - - -	27
George Sugdon - - - - -	10	John Wardell - - - - -	28
John Dales - - - - -	10	John McGinnis - - - - -	29
Henry Ward - - - - -	12	Edward Beattie - - - - -	30
James Hutton - - - - -	12	James Ellis - - - - -	31
John Ward - - - - -	13	John Tomlinson - - - - -	31
Mr. George M. Usher - - - - -	13	John Shaw Tomlinson - - - - -	32
Wilberforce Herdsman - - - - -	14	William Thompson - - - - -	33
Thomas Rippon, jun. - - - - -	18	John Goldwell - - - - -	33
John Dickson - - - - -	19	George Sumpter - - - - -	34
James Hutton - - - - -	20	Horner Walters - - - - -	34

Wednesday, 10th March 1869.

Mr. John Smales Vickers - - - - -	36	John Constable - - - - -	54
Robert Taylor Stothard - - - - -	41	John Grantham - - - - -	54
Martin Hunt - - - - -	41	John Tebb - - - - -	55
Henry Firth - - - - -	41	Henry Condor - - - - -	55
Thomas Best - - - - -	42	George Wilkinson - - - - -	55
William Hall - - - - -	42	John Abbott - - - - -	55
John Hall - - - - -	42	William Woollock - - - - -	56
Robert Moore - - - - -	42	George Brusby - - - - -	56
Thomas Appleton - - - - -	43	George Brusby - - - - -	56
Richard Tattersall - - - - -	44	Joseph Kitching - - - - -	56
John Rawson - - - - -	45	Robert Charlton - - - - -	57
William Welldrake - - - - -	46	James Walters - - - - -	57
William Addy - - - - -	46	George Cross - - - - -	57
Martin Lascelles - - - - -	47	Joseph Anderson - - - - -	57
John Reap - - - - -	47	Robert Grassby - - - - -	58
Matthew Wilson - - - - -	47	Thew Railton - - - - -	58
John Dalton - - - - -	48	Henry Wallis - - - - -	58
John Bean - - - - -	48	Henry Whitehead - - - - -	59
George Petch - - - - -	48	John Atkinson - - - - -	59
John Shields - - - - -	48	John Chambers - - - - -	59
Robert Everingham - - - - -	49	James Harrison - - - - -	60
James Smethley - - - - -	49	Robert Shaw Porte - - - - -	60
William Etherington - - - - -	49	Paul Marsh Duffill - - - - -	60
Benjamin Thompson - - - - -	49	George Sanderson - - - - -	60
John Nobell - - - - -	50	George Atkinson - - - - -	61
William Knipe - - - - -	50	John Robert Hall - - - - -	61
William Haigh - - - - -	50	Joseph Elliott - - - - -	62
Mr. Robert Turnbull - - - - -	51	George Slater - - - - -	64
James William Lovell - - - - -	51	William Jarvis - - - - -	64
Robert Towse - - - - -	51	Isaac Cooke - - - - -	64
Henry De Caux - - - - -	52	Samuel Barrett - - - - -	65
Daniel Nicholson - - - - -	52	Thomas Foster - - - - -	65
Levi Nicholson - - - - -	52	Robert Castle - - - - -	65
Joseph Sykes - - - - -	53	Thomas Sumner - - - - -	65
William Dixon - - - - -	53	Edward Christian - - - - -	65
William Noon Dixon - - - - -	54		

Thursday, 11th March 1869.

Mr. Richard Norfolk - - - - -	67	Sir Henry Edwards, Bart., M.P. - - - - -	80
Mr. William Smales Wreghitt - - - - -	74	Captain Edmund Hegan Kennard, M. P. - - - - -	85

MINUTES OF EVIDENCE

TAKEN before the Honourable Mr. Baron *Martin*, on the TRIAL of the ELECTION
PETITION for the BOROUGH of BEVERLEY, at the East Riding Sessions House.

Tuesday, 9th March 1869.

HIND, ARMSTRONG, and DANNATT - - - - Petitioners.

AND

EDWARDS and KINNARD - - - - Respondents.

Mr. Serjeant *Sargood*, Q.C., and Mr. *Waddy*, appeared as Counsel for the Petitioners. Mr. *Hind* appeared as Agent.

9 March
1869.

Mr. Serjeant *Ballantine*, Q.C., Mr. *Giffard*, Q.C., and Mr. *Charles Grove Edwards*, appeared as Counsel for the Respondents. Mr. *Bainton* appeared as Agent.

Mr. Serjeant *Sargood* was heard to open the allegations of the Petition.

Mr. WILLIAM THIRSK, sworn; Examined by Mr. *Waddy*.

1. WERE you one of the Ward Assessors for St. Mary's Ward on the 2nd of November?—Yes.

2. At the municipal election?—Yes.

3. The Liberal party had a room, I believe, at which they delivered the voting papers?—I suppose so; I was in the assessor's room.

4. The poll was taken by a paper which was delivered by the voter with the names of the candidates on it for whom he voted?—Yes.

5. Was Mr. Alderman *Cussons* presiding?—Yes.

6. Did he receive the voting papers?—Yes.

7. A short time after the poll was opened, did Mr. Alderman *Cussons* begin to arrange and count the papers?—Yes; he counted them up in hundreds, or at least in fifties, I think.

8. And put them by?—Yes.

9. Did Mr. Luke *Hind*, one of the Petitioners, sit there beside you and take a record of the poll?—Yes; he did.

10. Did you see him make entries on those slips at the time (*handing the same to the Witness*)?—Yes, I did; he sat next to me.

11. Have you since then compared them with the original slips, and found them to be correct?—I have; these slips that I have in my hand, I have compared with the list made out.

90.

12. Mr. Baron *Martin*.] Made out by whom?—By the attorneys, I suppose, for the Petitioners.

Mr.
W. Thirsk.

Mr. Serjeant *Ballantine*.] I think this is not the way of proving it.

Mr. *Waddy*.] I wish to prove the state of the poll.

Mr. Baron *Martin*.] That can be done by calling the check clerk.

13. Mr. *Waddy* (to the *Witness*).] Did any one take the state of the poll from time to time on behalf of the alderman?—It is not usual for them to do so.

14. Was it done on this occasion?—The alderman took it himself.

15. So you told us?—Yes.

16. And in no other way?—No.

17. Was William *Lane* there who took the poll on behalf of the Conservative candidates?—Yes.

18. Mr. Baron *Martin*.] Was he a check clerk?—Yes. I believe that it was a matter agreed between the parties, that each should have a poll clerk.

19. Mr. *Waddy*.] William *Lane* acted for the Conservatives, and Mr. Luke *Hind* for the Liberals?—Yes.

A

20. Do

Mr.
W. Thirsk.
9 March
1869.

20. Do you remember George Bielby voting?—Yes.

21. At that time do you know what was the relative state of the poll between the Conservatives and the Liberals?—

Mr. Serjeant *Ballantine*.] That can only be known by the returns.

Mr. Baron *Martin*.] The returns are not the only mode of proving it; the check clerks will be equally competent to prove it. I think the proper way will be to produce the papers themselves. Call upon the person holding them to produce them.

22. Mr. *Waddy* (to the *Witness*).] Was there any counting or returning of the numbers that had voted at separate times by the alderman, or on his behalf?—Yes; by all the parties in the room.

23. Were you there at that time?—Yes.

Mr. Serjeant *Ballantine*.] I must ask for this to be strictly proved.

Mr. Baron *Martin*.] I think that is quite reasonable. If you want to prove how people voted, you must get possession of the voting papers. I see no objection to asking the witness whether at any particular time the numbers were so-and-so.

Mr. *Waddy*.] That is what we propose to do, my Lord.

Mr. Serjeant *Ballantine*.] I do not object to that.

24. Mr. *Waddy* (to the *Witness*).] Was it stated by the returning officer, or the alderman presiding, when George Bielby voted, what was the relative state of the poll?—Yes; I believe it was.

25. What was stated?—He counted the papers, and said, "We are about 100 a-head in this ward."

26. Do you remember anything being said at that time about the countings being continued?—

Mr. Serjeant *Ballantine*.] I must object to this; my learned friends have no right to bind us by anything that has been said.

Mr. Baron *Martin*.] You must leave me to draw inferences from the facts. (To Mr. *Waddy*). Just prove the facts.

27. Mr. *Waddy* (to the *Witness*).] Do you remember what time Mr. Sugdon voted?—I cannot say that I remember.

28. Do you recollect anything being said about Mr. Burrell to Mr. Hind?—Is it necessary that I should relate anything of that kind that transpired?

Mr. Baron *Martin*.] It is for you to answer any question if it is not objected to. If it is, I will listen to the objection.

Mr. Serjeant *Ballantine*.] I object to the present question, my Lord.

Mr. *Waddy*.] Did you hear anything said?—

Mr. Serjeant *Ballantine*.] I have made the objection.

Mr. Baron *Martin*.] I think it is going rather too far. Just endeavour to prove the facts, and not what people have said; it does not signify what they have said.

29. Mr. *Waddy* (to the *Witness*).] Previously to this time, had there been a public meeting in the town at which Sir Henry Edwards and Cap-

tain Kennard were present?—I believe so; yes. Captain Kennard was there; it was some weeks before the election.

30. Mr. Baron *Martin*.] Was Captain Kennard alone, or were both of them there, or only one of them?—I cannot say.

31. Mr. *Waddy*.] Were you at the meeting?—No; I was not at the meeting.

32. During the Parliamentary election, did you see Sir Henry Edwards and Captain Kennard in Beverley?—Yes; I saw them both very often.

33. Did you see them canvassing?—Yes.

34. Mr. Baron *Martin*.] Had you seen them canvassing before the general election?—Yes.

35. Mr. *Waddy*.] Whom had you seen canvassing with Sir Henry Edwards and Captain Kennard?—I do not think I can remember all I have seen; there was a great number of parties I have seen. I have seen Mr. Arden, and I saw Mr. Wriggitt, Mr. Lowther, and Mr. Hudson. I should think I have seen a score of gentlemen.

36. Did you ever see Mr. Norfolk?—I do not remember ever seeing him.

37. Or Mr. Burrell?—I cannot say that I ever saw him along with the candidates.

38. Do you know Mr. Cleaver?—Yes.

39. Have you seen him?—Yes.

40. And Robert Thirsk?—No; I never saw him going about canvassing.

41. Or Mr. Whitton?—Yes.

42. And Mr. Wallace?—No; I cannot say that I did.

43. Or Mr. Akrill?—Yes.

44. And Mr. Thompson?—I think I saw him once in High-street.

45. Mr. Skinn?—Yes.

46. And Mr. Kempley?—No; I never saw him going about with them.

Cross-examined by Mr. Serjeant *Ballantine*.

47. You say that at half-past 10, or about that time, you heard the returning officer say something as to the state of the poll?—Yes.

48. Do you mean to say that you are sure about it, that he said anything?—I am quite certain of it.

49. Who was "he"?—I mean the alderman of the ward, Mr. Cussons.

50. Was it Mr. Cussons whom you heard say anything?—Yes; constantly during the day.

51. Do you remember at that particular time that he called out the state of the poll?—Yes; and I remember it from another circumstance.

52. Do you mean to pledge your oath that the alderman called out the state of the poll at the time that Bielby voted?—How do you mean called it out? He mentioned it in the room; there was no calling out.

53. How was it done?—He stated it as a matter of fact by counting the papers up.

54. Did he count the papers at that particular time?—Yes.

55. You are sure of that; you remember it perfectly, do you?—Yes.

56. Did he count them up at any other time?—Yes.

57. He counted them up whenever he got 50?—He counted them up, and put them aside.

58. What did he call out at 11 o'clock?—I do not know exactly what he called out at 11 o'clock, but something at 11 o'clock; I should think he would call out that they had about 250.

59. What did he call out at any other part of the

the day?—I remember about one o'clock he said that they had polled above half the constituency, and that it was of very little use people coming to vote; he said that over and over again.

Re-examined by Mr. Serjeant *Sargood*.

60. At what hour did the poll commence?—The poll commenced at nine o'clock; the municipal.

61. At what hour did it close?—It closed at four o'clock.

62. Were you there during the whole time?—Yes; I was bound to be there.

63. Mr. Baron *Martin*.] What was your office?—I was assessor.

64. Is that different from the alderman that took the poll at the ward?—The ward assessors, they are the returning officers, along with the alderman of the ward.

65. It was your duty, was it not, as assessor, to strike voters off the list as they voted, so as to check the list of voters?—Yes.

66. Mr. Serjeant *Sargood*.] You had the register, and struck out any person who voted?—Yes; every one that voted I struck out with a pencil.

67. The other gentleman had these papers in his hand, and posted them up, so as to know whom they voted for?—Yes; he had no right there except by courtesy; but each of the parties had a man for that purpose; he sat next to me. I was there officially.

68. The alderman having said that they had polled half of the constituency at one o'clock; the poll was kept open till four o'clock?—Yes.

69. Did Conservative voters continue to vote?—Yes.

70. Did you see them brought up, and who brought them up?—They were brought up by many parties.

71. Can you remember the names of any of the parties who brought them up?—I have already named one, Burrell.

72. Were there any more?—

Mr. Serjeant *Ballantine*.] I asked nothing in cross-examination upon this.

73. Mr. Serjeant *Sargood*.] You said that you remembered this half-past 10 o'clock business from some other circumstance; what was that?—The other circumstance was, at least, I believe that the town clerk, or the deputy town clerk came out of the other room about half-past 10, and said, "How do you come on here? I think they must have polled 100 to one in the other room"; and that was the reason that Mr. Cussons had stated at that time that they were about a hundred a-head.

74. That was the provoking cause of his observations?—Yes.

[The Witness withdrew.]

Mr. RICHARD HODGSON, sworn; Examined by Mr. Serjeant *Sargood*.

75. You are carrying on business, I believe, as a Tanner and Leather Merchant in this borough?—Yes.

76. You have been for many years a member of the town council, I think?—Some years ago I was.

77. I think you have twice filled the office of mayor?—Yes.

78. Can you give me the figures as to the population and the number of voters on the register for the municipal borough?—No; I am not able to give you that.

79. Will you tell me this; the town council in this borough, as constituted, have a particular amount of patronage amongst the tradespeople, have they not?—Yes; a great amount of patronage.

80. Can you shortly point out to my Lord, how it is that they have that patronage?—They have the control of the gas works, in which they employ a great many people; they also have the control of the repairs of the roads and the highways.

81. Are they great employers of labour in reference to that?—Yes.

82. Mr. Baron *Martin*.] Just name the others over which they have control?—They also have the control of the navigation, and the repairs and the collecting of the dues; they have also a considerable number, at least some amount of property, both house property and land, in Beverley, and of the neighbourhood of Beverley; they have also some amount of patronage, both in the way of tenants and for the repairs of their property.

83. Mr. Serjeant *Sargood*.] Are the persons, so under the patronage of the corporation, to a very large extent Parliamentary voters?—Yes, they are now, with the altered constituency;

nearly all of them, I should say; the majority of them at any rate.

84. What number of town councillors have you?—There are 18 town councillors, and six aldermen in addition; altogether 24.

85. I see that you have two wards; how many go out each year for a change?—Six go out each year, three for each ward; the aldermen are elected every three years, half of them; every three aldermen every three years; the aldermen, when they are elected, are elected for six years.

86. By whom are the town councillors chosen?—By the ratepayers.

87. Mr. Baron *Martin*.] Are the electors for the town council the same now as for the Parliamentary election?—To a great extent.

88. Mr. Serjeant *Sargood*.] Are they, to a great extent, Parliamentary voters?—Yes; much more so at the last election than at any previous one.

89. By whom are the aldermen chosen?—They are chosen by the town councillors.

90. I believe there is a good deal of political feeling carried on at the municipal contests quite independently of Parliamentary business?—Yes.

91. A good deal of political feeling is carried on in the borough in these municipal contests?—Yes; ever since I remember, there has always been.

92. But since you have been favoured by the interest of Sir Henry Edwards since 1857, have you perceived any marked difference in the result of the municipal elections?—Yes; soon after that, there was a great change in the kind of political feeling in the town council.

93. What has been the result; have the Conservatives or the Liberals attained the ascendancy in the council and the corporation?—In the

Mr.
W. Thirsk.
—
9 March
1869.

Mr.
R. Hodgson.
—

Mr. *R. Hodgson.* the last eight or ten years, the council has been almost entirely in the hands of the Conservative party.

9 March
1869.

94. Have you a personal knowledge of the existence of such a gentleman as Mr. Wreghitt in this town?—Yes, I have the pleasure of knowing him.

95. Is it at all within your local knowledge, whether he has been active in promoting this change that you have mentioned, in the corporation?—It is generally understood so.

96. As to your own personal knowledge of him, I believe, you are not acquainted with him individually?—No.

97. You have come to that conclusion, whether it is ill or well founded?—Yes.

98. That Mr. Wreghitt has been very active in promoting this change in the constitution of the borough?—Yes.

99. Have you ever heard Sir Henry Edwards make any remark, as to the change in the constitution of the corporation?—No; I cannot speak from memory conscientiously.

100. You are a freeman of the borough yourself, are you not?—Yes.

101. Were you in court when I mentioned this subject, on opening this matter to his Lordship?—Yes.

102. You heard, I suppose, what I said about the matter?—Yes.

103. Was what I said accurate, within your knowledge, as to all the interest that the freemen have in the pasturage surrounding the place?—Yes.

104. That, I believe, is managed by 12 pasture masters?—Yes; the parties who govern the pastures are called pasture masters.

105. I think they are annually elected on the 1st of March?—Yes.

106. This is the official announcement of the forthcoming election last Monday (*pointing to the same*)?—Yes.

107. Mr. Baron *Martin.*] What benefit have the freemen had; is it feeding cattle on the pastures?—Yes; they have the power of stocking the pastures with a certain amount of cattle.

108. And milch cows?—Yes; they have a certain number of stock which they turn upon these pastures; there are three or four times the amount of stock in; but the whole matter is regulated by the pasture masters, who make by-laws for their regulation.

109. Mr. Serjeant *Sargood.*] I believe that that applies to sheep and horses, as well as to cattle?—Yes.

110. Mr. Baron *Martin.*] They are all there?—Yes.

111. Mr. Serjeant *Sargood.*] Those who do stock the pastures make some small payment; I do not call it an equitable one, but some payment?—Yes; they do pay a certain entrance fee.

112. I believe that the freemen who are not fortunate enough to have cattle and stock, gain some benefit out of the control which is contributed by those who have?—Yes; the poorer class of freemen do.

113. Those who have stock and cattle have them feeding at a very small cost; and those who have none, derive benefits from the subscription of those who have?—Exactly.

114. Mr. Baron *Martin.*] It is not confined to milch cows?—No.

115. Mr. Serjeant *Sargood.*] Are those benefits

under the control of those 12 pasture masters?—Entirely.

Mr. Baron *Martin.*] I think you said that they acted under an Act of Parliament.

116. Mr. Serjeant *Sargood.*] Yes, my Lord; it is the 6th of William 4th, an Act of 1836. (*To the Witness.*) You have spoken of the political feeling as influencing the constitution of the town council; has that also for many years past been regarded as having an influence in the election of the 12 pasture masters?—Yes.

117. How have the 12 pasture masters been elected for many years, so as to prevent political ascendancy; what has been the ordinary practice; prior to 1857 had they been all one party, or how?—I cannot speak to the exact year, but about the time you name, there were six of each; they were elected by the two political parties.

118. Until about what year?—Until about 1857 or 1858.

119. Had that been the antecedent practice for some time within your memory?—Yes.

120. After that, what change took place?—After that they were re-elected, and they all belonged to the Conservative party.

121. You being a freeman, is it within your knowledge whether Mr. Wreghitt took an active part in promoting those elections at all?—Never having taken any part in them, I can speak no more than from common report; it is generally understood so.

122. Being a freeman yourself, you know that he is not a freeman?—Yes, I am aware that he is not.

123. Those are the accounts, I think, of the Beverley pasture masters for the last year, properly audited?—

Mr. Serjeant *Ballantine.*] They may be put in without any inquiry.

124. Mr. Serjeant *Sargood.*] Very well. (*To the Witness.*) What has a druggist to do with it?—I do not know.

125. He does not supply drugs for the cattle, does he?—I do not know.

126. What are “leadings”?—That indicates that they employ a man with a horse and cart to convey the materials; a man leading a horse, that is what they describe to be the meaning of that word “leading.”

127. It appears from that that a very large number of persons are employed by the pasture masters; I do not talk about influencing?—

Mr. Serjeant *Ballantine.*] Yes, you may.

128. Mr. Serjeant *Sargood.*] They are under the control of the pasture masters in consequence of their having an opportunity of giving them employment?—A great number of men are employed by them, and may be influenced by them.

129. Those persons so employed are for the most part Parliamentary electors, are they not?—A great number of them.

130. Another little incident connected with the pasturage is this gift of Mr. Walker's?—Yes.

131. You are acquainted with that, I daresay?—Yes.

Mr. Serjeant *Ballantine.*] Is that subordinate to the pasture masters?—

132. Mr. Serjeant *Sargood.*] It is a voluntary gift for a dinner. (*To the Witness.*) That is a list of the recipients of that bounty, under that gift,

gift, is it not (*handing the same to the Witness*)?—Yes, I presume so.

133. And the gift of that money is under the absolute control of the pasture-masters for the time being, is it not?—Yes.

134. Those names, I believe, show who were the recipients of the bounty during the past year?—Yes.

135. Are the bulk of those, within your knowledge, Parliamentary electors?—As to the bulk of them, I have never seen the names.

136. Look at that (*handing a paper to the Witness*)?—It will be better proved by the register.

137. They must be freemen who are recipients of this bounty?—Yes.

138. With the exception of the widows, they are all Parliamentary electors necessarily, are they not?—As a matter of course, I believe that all freemen have a right to vote.

139. I think you have already said that the present constitution of the pasture-masters is very highly Conservative?—Yes.

140. The freedom, I believe, is attained by purchase and by servitude?—Yes.

Mr. Serjeant *Ballantine*.] The Act of Parliament will show that. I understand that it is not so.

The *Witness*.] It is not so now by purchase.

141. Mr. Serjeant *Sargood*.] How is the freedom acquired in this town?—By birthright and by servitude.

142. Can you tell me whether fees are paid in each case upon getting entered on the roll?—Yes, fees are paid in both cases.

143. Is it the same sum in each case?—I think not.

144. About what does it cost?—I really do not know; I think it is larger for servitude than in the other case, but I cannot speak positively.

145. In either case I think it is small, 50 s.?—I think it is more than it was; but I suppose it is not more than 50 s.; I cannot say.

146. Are you able to state, from your own knowledge, whether any freemen have been assisted in taking up their freedom, to get on the roll?—No, I am not.

147. Do you know Sir Henry Edwards, and have you seen him canvassing with Captain Kennard?—Yes.

148. Can you tell me whom you have seen assisting with them in that canvass?—I have seen Wreghitt, Mr. Arden, who is an alderman in the town council, and Mr. Cleaver; but I really do not know that I can speak as to the others.

149. Do you know Mr. Burley?—Yes.

150. Have you seen him with them?—I do not remember that I have seen him.

Cross-examined by Mr. Serjeant *Ballantine*.

151. I take it that the majority of the aldermen, whether Whig or Tory, possess very great influence?—The aldermen or the town councillors do.

152. I suppose that the aldermen have the greatest patronage?—No, merely in name; they have no greater power than the town councillors.

153. It is the majority of the aldermen and the town council?—Yes.

90.

154. There was some legal error, was there not, in 1866, about the election?—Yes.

155. You knew of that?—Yes.

156. A second warrant was moved for, I believe?—Yes; there was some informality in the voting.

157. Which terminated, I believe, in quashing the election?—Yes, entirely so.

158. And in seating six Liberals instead of six Conservatives?—Exactly. It was the first time that the Liberals had succeeded in getting any Liberal on the Town Council.

159. It was from a purely technical error?—Yes. Had it not been for that, the Town Council would have been, except for Alderman Sir Henry Edwards, entirely composed of Conservatives.

160. But for that, you would never have been a Liberal in the corporation at all?—Not up to that time, speaking from the time that he became a member; prior to that, the members were very different.

161. Have you subscribed to these municipal contests?—I never entered into any contest at all since Sir Henry Edwards came in.

162. Have you subscribed for the municipal contests?—At what time?

163. At any time?—Previously to that time I had subscribed towards legitimate expenses.

164. You have subscribed to the municipal contests; I thought so, whether they were legitimate expenses or not?—Yes, I have subscribed.

165. How often?—Perhaps two or three times.

166. Lately?—No.

167. When did you last subscribe?—I cannot speak exactly to the year, but before Sir Henry Edwards became one of the members.

168. Do you mean in 1865 or 1866?—No; the first election was in 1857.

169. Have you never subscribed since then?—No; speaking of legitimate expenses, I mean to say that my subscription was very small.

170. What was it?—I merely gave 5 l.; with that there are certain expenses consequent.

Re-examined by Mr. Serjeant *Sargood*.

171. You say that in 1866 the Liberals obtained the seats, but that the result of the election was to seat all the Conservatives?—Yes.

172. Did it turn out that the nomination papers of six of the Conservatives had been erroneously framed in some way?—Yes, there had been some informality in the framing of the papers.

173. And for that reason they were incapable of taking the seats to which they had been elected?—Yes; some votes having been recorded for the others, they took their seats.

174. But the Liberals with their numbers were able to fill the empty chairs?—Yes.

175. As to your subscription to the municipal election, there are legitimate expenses, of course, connected with the municipal election?—Yes.

176. What had been the amount of your subscription before 1857?—The utmost amount I ever gave was 5 l.

177. Since then would you look upon any subscription to such a contest as a hopeful one, having regard to what has been going on?—No, certainly not.

[The *Witness* withdrew.

Mr.
R. Hodgson.

9 March
1869.

Mr. THOMAS EVANS, sworn; Examined by Mr. Waddy.

Mr. T. Evans. 178. I BELIEVE you are a Member of the Town Council?—I am.

9 March 1869. 179. Were you nominated as a candidate for the Minster Ward in 1866?—Yes.

180. You were one of the gentlemen, I believe, that got in by the *quo warranto*?—Yes, I am.

181. Have you looked through the accounts for the years from 1863 to 1866?

Mr. Baron Martin.] What accounts do you refer to?

182. Mr. Waddy.] The Town Council accounts. (To the Witness). What are they?—The payments of the expenses of the corporation.

183. Have you analysed the names of the tradesmen who were employed?—Yes, I have.

184. What have you discovered?—I find that the whole of them are Tories that have been employed, very nearly all Tories, for the past few years.

185. At the last municipal election, were you a candidate, and did you take part in the election for the Liberals?—I did.

186. Had you committee rooms at which you distributed voting papers to the voters?—Yes.

187. What took place as to those committee rooms; I mean your operations generally, to about a quarter to 11 o'clock?—We found, from the immense amount of money given by the Tories, it was of no use keeping up the voting, and consequently we gave up bringing up voters from about half-past 10 to about a quarter to 11 o'clock.

188. The committee rooms, I believe, were shut up, and the clerks were withdrawn?—Yes, they were withdrawn about that time.

189. Do you remember, in the month of September, a meeting being held?—In connection with Captain Kennard, I recollect seeing a paper announcing that he was going to address the electors, but I did not attend the meeting.

190. On the 3rd of November, do you remember a meeting being held at which you attended?—Yes, in the Assembly Rooms.

191. That was a meeting of the Conservatives, I believe?—It was not confined to the Conservatives, or else I should not have gone; it was a public meeting.

192. Were Sir Henry Edwards and Captain Kennard on the platform?—Yes, they were.

193. Can you give me the names of some other gentlemen; first of all, who was in the chair?—Alderman Arden.

194. Can you give me the names of some of the gentlemen who were on the platform?—Yes; there was Mr. Norfolk and Mr. Lowther, Mr. Wreggitt, Mr. Cussens, and Mr. Parkinson, I think; and Mr. Mooney, I believe, was there too.

195. Did you see Mr. Cleaver?—Yes, he was there too.

196. And Mr. Whitton?—Yes, I believe he was there as well.

197. And Mr. Watson?—And Mr. Watson the painter.

198. Was Mr. Akrill there?—I believe so.

199. And Mr. Nutchey?—Yes.

200. Mr. Monekman, was he there?—I think not, on the platform; I saw him at the meeting.

201. Did Sir Henry Edwards and Captain Kennard address the meeting?—They did.

202. Do you remember Mr. Norfolk moving a resolution after that?—I do.

203. What did he wish the meeting to resolve upon?—That Sir Henry Edwards and Captain Kennard were two fit candidates for this borough.

204. Do you remember who seconded that resolution?—Mr. Alderman Cussens.

205. Do you remember anything being said in the presence of the candidates, Messrs. Edwards and Kennard, about the municipal election of the day before?—Mr. Alderman Cussens, in seconding it, referred to that, and described it as a very great victory.

206. What else did he say as to the municipal election?—I do not call to my mind anything just now.

207. Did he say anything as to the effect of it?—I cannot say that he did.

208. You have mentioned the names of some of the gentlemen on the platform; did you afterwards, between then and the day of the Parliamentary poll, see those gentlemen in the streets with Messrs. Edwards and Kennard?—Yes, I did.

209. How were they engaged?—They were canvassing with them.

Mr. Serjeant Ballantine stated that he had no question to put to the Witness.

[The Witness withdrew.]

Mr. JOHN DALTON, sworn; Examined by Mr. Serjeant Sargood.

Mr. J. Dalton. 210. Is your name John Dalton?—Yes.

211. What are you?—A Merchant's Clerk.

212. Were you engaged at the municipal election on the 2nd November, taking the poll for the Liberal candidates in Minster Ward?—Yes.

213. Mr. Baron Martin.] What were you, a clerk?—A check clerk.

214. In the Minster Ward?—Yes.

215. Mr. Serjeant Sargood.] An alderman provided there, I believe?—Yes.

216. I suppose there were official persons engaged; did you occupy yourself, as the voting papers came in, in posting up the name of the voter, and the persons for whom he gave his vote?—Yes.

217. Are those the papers on which you were

so employed (*pointing to the same*)?—Yes; they are like them.

218. They are arranged in the order in which they came in, I suppose?—Yes.

219. You posted them up in that order?—Yes.

220. Have you examined them with this fair copy in ink, to see that they are correctly copied?—Yes.

221. Do you remember Mr. Crosskill coming there to vote?—Yes, I do.

222. Do you remember about what hour in the morning it was?—It would be about 11 o'clock.

223. Have you examined your list in order to ascertain from that what number of votes had been given on the two sides at that time?—Yes.

224. How

224. How did the poll stand; have you got the figures 281 and 118, and are they correct?—Yes, that is the number.

225. How many were Conservatives?—281; and the Liberals were about 118.

226. Do you remember Mr. Sugden voting?—Yes.

227. About what hour in the morning was that?—About three quarters of an hour later.

228. Mr. Serjeant *Ballantine*.] What memorandum is that?—This is a memorandum that I had when I was taking the poll; about three-quarters of an hour after that Mr. Sugden voted.

229. Mr. Serjeant *Sargood*.] About three-quarters of an hour past 11 o'clock?—It was getting on to 12.

230. It was about 12 o'clock?—Yes.

231. How did the poll stand at that time?—About 450, I believe.

232. Mr. Baron *Martin*.] For the Conservatives?—Yes.

233. Mr. Serjeant *Sargood*.] How many for the Liberals?—One hundred and seventy.

234. Do you know how many people there are on the register altogether, capable of voting?—Nine hundred and odd, I believe; 900, or thereabouts.

235. Therefore the Conservatives at that time had more than half of the whole roll?—Yes; there was over half.

236. How long was the poll kept up in your district, in the Minster Ward, where you were?—Up till four o'clock.

237. Did Conservative voters still keep coming up?—Yes, all the afternoon.

238. Did you see anyone showing them the way to the poll?—Yes.

239. Who did you see bringing them up; by name, if you can remember it?—I remember Mr. Thomas Richmond and Mr. Thomas Monckman.

240. Was there anyone there checking the poll on the part of the Conservative interest?—Yes; Mr. Charles Wood was taking the poll.

241. Mr. Baron *Martin*.] He was check clerk for the Conservatives, was he?—Yes.

242. Mr. Serjeant *Sargood*.] Did he send out his slips anywhere by anyone?—Yes; by Robert Clark, I believe his name is.

243. Is he connected with the Wiggon works?—Yes; he used to be working there, but I do not know whether he does now or not.

244. Although an official report was not made up, was the state of the poll currently known in the room on both sides?—Yes.

245. There was no difficulty in knowing it, I suppose?—No, it was quite open.

246. Was it within your knowledge, sitting there all day, whether the Liberal voters ceased to come up after the hour you have mentioned?—Yes, it was said that they had given over.

247. A very few came up afterwards?—We voted a few after that.

248. But a very few?—Yes.

249. You assisted, I believe, the presiding Alderman at the close of the poll, in helping him to count up?—Yes.

250. You were considered a trustworthy person, I suppose, as to numbers and figures?—Yes.

251. Are you able to tell me the name of any gentleman who went about canvassing with Captain Kennard.

252. Mr. Baron *Martin*.] What was the result at the end of the day in Minster?—Five hundred and fifty, I believe, the Conservatives were, and the Liberals 216, or thereabouts.

253. Mr. Serjeant *Sargood*.] You have, I believe, looked carefully through the list, in order to see that it agrees with your paper?—Yes, with these slips.

254. Just hand them to my Lord (*the same were handed to his Lordship*). Have you seen Sir Henry Edwards and Captain Kennard canvassing about the borough?—Yes, I have seen them.

255. Can you tell me the names of any of the gentlemen that you have seen canvassing with them?—I have not taken that notice; I have seen a few with them that I remember.

256. Tell me the names of any that you have seen?—I have seen Mr. Barkworth, Mr. Wreghitt, and Mr. Cleaver.

257. Do you remember any others; Mr. Burley, do you remember him?—No, I do not remember him.

258. Do you know Mr. Cussons?—Yes, I have seen Mr. Cussons.

259. Do you know Mr. Lowther; have you seen him?—No, I have not seen him with them, but I know him; I have seen Mr. Cleaver.

260. Mr. Monckman, do you know him?—I know Mr. Monckman, but I have not seen him with them canvassing.

261. Do you know Mr. Nutchey?—Yes; but I have not seen him canvassing.

262. Or Mr. Akrill?—I have not seen him.

263. Or Mr. Richmond?—No.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

Mr. RICHARD SOUTHWICK, sworn; Examined by Mr. Waddy.

264. ARE you a Town Councillor?—Yes.

265. Did you assist, on the day of the municipal election, in canvassing and getting up voters?—Yes.

266. Did you begin at nine o'clock?—Yes.

267. How long did you continue at work?—Till a little after 10 o'clock; 20 minutes after.

268. Did you then cease to work any longer?—Yes.

269. Why?—Because I saw that it was of no use trying any longer; the others were gaining ground, and besides, men that came to me, that I wanted to get to vote, said that they could get any amount of money on the other side.

90.

270. Who did you see on that day engaged on behalf of the Conservatives at the municipal election in your ward?—Mr. Burley was one, and there was Mr. Nutchey; there was also Mr. Richmond, and several others that I cannot exactly remember, and they were very busy.

271. Did you see Mr. Kempley?—Yes.

272. And Mr. Arden, or Mr. Akrill?—I did not see them.

273. On the day of the Parliamentary election, did you observe who were engaged on behalf of the Conservatives then?—I saw mostly the same men; that is, I saw Mr. Akrill. Do you mean canvassing?

A 4

274. First

Mr.
J. Dalton.
9 March
1869.

Mr. R.
Southwick.

Mr. R.
Southwick.
9 March
1869.

274. First of all, in getting up voters; whom did you see engaged on the day of the election for Sir Henry Edwards and Captain Kennard?

—I saw several.

275. Did you see Mr. Richmond or Mr. Nutchey?—Yes, I saw them both.

276. And Mr. Norfolk?—I cannot say that I noticed Mr. Norfolk.

277. Between the time of the municipal election and the time of the Parliamentary election, did you frequently see Sir Henry Edwards and Captain Kennard canvassing?—Yes, I saw them at different times.

278. On those occasions, were they generally accompanied by one or two of their political friends?—Yes.

279. Can you tell me the names of any of the gentlemen that you have seen canvassing with them in that way?—Yes; I noticed Mr. Rich-

mond was one; I saw him once or twice with them, and I saw Mr. Arden.

280. Did you see Mr. Watson, the auctioneer?—I cannot say that I did.

281. Or Mr. Norfolk?—No; I never noticed him.

282. Or Mr. Wreghitt?—Yes; I saw him several times.

283. Did you ever see Sir Henry Edwards and Captain Kennard in the streets without Mr. Wreghitt?—I cannot say; perhaps I did; I do not say that he was every time with them, but I saw Mr. Wreghitt several times with them.

284. Mr. Burley, did you see him?—Yes, I think I saw him once with them.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

JOHN REENEY OXLEY, sworn; Examined by Mr. Serjeant *Sargood*.

J. R. Oxley.

285. WHAT are you by trade?—I am a Brick-layer by trade.

286. Were you one of the Liberal canvassers at the last municipal election, on the 2nd November?—Yes.

287. You and a good many other persons were occupied in that business, I think?—Yes.

288. Was there any hour of the day at which you ceased to carry on your operations?—Yes.

289. What was that hour?—It was from a quarter past 10 to a quarter to 11.

290. Did you all give up at that time?—Yes; I think we did.

291. What was your reason for giving up then?—Because we saw that it was of no use going on. The Conservative side was overpowering us with the money that was had.

292. They were so far a-head that it was of no use going on?—Yes, they were above 100 a-head.

293. Had you seen the Parliamentary candidates, Sir Henry Edwards and Captain Kennard, about canvassing?—Yes.

294. Can you give me the names of any gentlemen who you saw with them canvassing?—Yes; there was Mr. Wreghitt, Mr. Arden, Mr. Norfolk, Mr. Thomas Monckman, Mr. Robert Thirsk, wood merchant, Mr. Richmond, Mr. Thompson the ironmonger, and Mr. Thompson the barber.

295. Did you see Mr. Alderman Cussons?—Yes, and I saw Mr. Barkworth.

296. Did you see Mr. Watson the auctioneer?—Yes, I saw him once.

297. Did you also see Mr. Dickson, the nurseryman in Norwood?—Yes.

298. Did you also see Mr. Ackrell?—Yes.

299. You have mentioned the name of Lowther?—Yes; Mr. Lowther and Mr. Cliffe.

300. Do you know Mr. Skinner?—Yes, he was with them too.

Cross-examined by Mr. Serjeant *Ballantine*.

301. What Norfolk is it you mean?—He is the manager of the iron foundry.

302. When did you see him with Skinner?—In the street.

303. I ask you when?—In the week-days, canvassing the town in Norwood.

304. What day of the week was it?—I cannot say exactly what day of the week it was.

305. How long before the election was it?—I think it was before the Parliamentary election.

306. How long before?—Perhaps five or six days.

307. Was it five or six days before?—I should say it was.

308. Now pray be particular about this; was it five or six days before the Parliamentary election?—It was between the municipal election and the Parliamentary election.

309. You say it was more than five or six days, but it would be 14 days?—Yes.

310. Within what time before the election will you venture to swear that you saw Mr. Norfolk?—I cannot say that, to a day; but I did see him with them.

311. Can you tell me within a week?—I have not made any memorandum of anything.

312. Can you tell me within a fortnight?—Yes, I can within a fortnight.

313. It was within a fortnight was it?—Yes.

314. Is that all you can tell me?—I saw him with them after the meeting in the Assembly Rooms.

315. When was that, or was that the only time that you saw them together?—I saw him on the platform.

316. You were asked whether you had seen them canvassing; do you swear that you ever saw them canvassing in your life, together?—Yes, I have seen him in the street with them; I cannot tell you the day, but it was in Norwood.

317. Will you venture to swear that you ever saw Sir Henry Edwards and Captain Kennard, and Mr. Norfolk canvassing together?—I saw Mr. Norfolk in the streets in different batches, and I expected that he would be with them; there was some on one side of the road, and some at the other.

318. Will you take upon yourself to swear that Mr. Norfolk was ever canvassing with Sir Henry Edwards?—Canvassing is, I suppose, standing in the streets in different groups, some soliciting, and some looking on.

319. How near will you swear that you ever saw Mr. Norfolk to Sir Henry Edwards when he was canvassing?—I cannot tell, because the streets of Beverley are of different widths, and I did not take any particular measurement of the distance.

320. Did you see Mr. Norfolk canvassing any-body

body, or any house?—No, I did not see him, not taking him by himself; I only saw him in a batch along with the company.

321. Will you swear that it was along with Sir Henry Edwards?—He was close by the side of him.

322. How far was he off?—I cannot say how far he was off, but there was a deal of company.

323. When you saw this man did you see them at the same time?—I saw them in the street.

324. Did you see Sir Henry Edwards and Mr. Norfolk at the same time?—In the street.

325. At the same time?—In the street.

326. At the same time?—Yes.

327. That you swear?—That is in Norwood.

328. Do you swear that you saw, you know what being together means, Sir Henry Edwards and Norfolk in the street—

Mr. Serjeant *Sargood*.] He says that he saw him in Norwood.

329. Mr. Baron *Martin*.] Yes, that, I suppose, is a place in Beverley?—Yes.

330. Mr. Serjeant *Ballantine*.] Will you swear that you saw them together in any street whatever?—Not close together; I mean that they were in company.

331. How far off were they?—Eight or nine yards, or perhaps further; I cannot tell to a yard or two; I did not measure the distance.

332. Were you watching them?—No, I was leaving work.

333. How many people were there in the street at that time; was there a large number of

people in the street?—It was at my dinner time about 12 o'clock.

334. Were there a great many, a number of people in the street?—Only the people that I call, that were canvassing.

335. Why do you say that they were canvassing?—Because I know they were the Conservative party; the election was to come on the day that I saw Mr. Barkworth and Mr. Wilson go to Mr. Carrington's.

336. Were those the only two that you saw?—They were the only two that went to Mr. Carrington's, and he shut the door upon them.

337. Did you see Sir Henry Edwards go to any house?—He entered into Mr. Dickson's, and he went into the iron yard.

338. Where was Mr. Norfolk then?—He was in the street at the time.

339. How far off was he?—I cannot say.

Re-examined by Mr. Serjeant *Sargood*.

340. You understand what canvassing means, I suppose?—Yes.

Mr. Baron *Martin*.] He judged from what he saw that they were canvassing.

Mr. Serjeant *Sargood*.] Yes, my Lord.

341. (To the *Witness*).] Have you any doubt about Mr. Norfolk; do you know him?—Yes; perfectly well.

342. Had you seen him in that party, at a greater or less distance, from Sir Henry Edwards?—Yes.

[The Witness withdrew.

STEPHEN GEORGE SMELT, sworn; Examined by Mr. *Waddy*.

343. WERE you a Canvasser on the Municipal Election Day, on behalf of the Liberals?—Yes.

344. At what time did you begin to canvass?—I began about nine o'clock in the morning.

345. How long did you continue?—Till about a quarter-past 10, or from that to a quarter to 11; we finished then.

346. Did you cease then?—Yes.

347. Why was that?—Because the other party was overpowering us with money.

348. You were going backwards and forwards to the rooms; you went with voters, did you not?—Yes.

349. As you were going backwards and forwards to the rooms with voters, can you tell me what parties you saw employed by the other side on the municipal election day?—I saw Mr. Ackrell, and Mr. Cliffe, and Mr. Wreghitt.

350. Did you see Mr. Burrell?—Yes.

351. Did you see Mr. Watson, the auctioneer?—Yes.

352. And Mr. Watson, the painter?—No; I cannot swear to him.

353. Or Mr. Whitton?—Mr. Marmaduke Whitton?

354. Yes?—Yes.

355. On the day of the Parliamentary election, were you taking any part in the work?—I was looking out at the mob.

356. Did you see who were employed on that day to do the same work that had been done at the municipal election?—Yes.

357. Who were they?—There was Mr. Arden.

90.

358. Were they the same parties?—Yes.

359. Are you a freeman?—Yes.

360. Did you ever loose any animals on the pastures?—No.

361. You never did?—I never did.

362. Did you ever get part of the grant?—Yes.

363. When was that?—It would be about five or six years ago since I got the first grant; I got the other about two years ago.

364. How was it that you got it; to whom did you apply for it?—I applied to the pasture master's clerk, Mr. Monckman.

365. Did some one take you to the clerk?—No.

366. Who was it that you spoke to first of all?—I wrote a note to the clerk first, and then afterwards; this was the month of October, when I first applied. I heard on the Thursday that a Tory, Mr. Johnson, was putting up for the election; and I then asked him—he was pasture-master at that time—how it was that I had not received an answer about making my application for Walker's Gift, and he said, "I did not know that you had applied for it, or you should have had it"; and I said that I had. Then he said to me, "Do the best you can to get me in for the Conservatives, and I will do the best I can to get you Walker's Gift."

367. How much did you get?—£. 2.

368. Mr. Baron *Martin*.] That was Johnson, was it?—Yes.

369. Mr. *Waddy*.] Did you hear anything about this afterwards?—No.

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370. Did

J. R. Osley.

9 March
1869.

S. G. Smelt.

- S. G. Smelt.* 370. Did you afterwards get the 2*l.* gift in 1867?—Yes.
- 9 March 1869. 371. Who got that for you?—I could not say exactly.
372. Do you recollect a man of the name of Pipes coming to you?—Yes; that was when they elected for pasture-master, on the 1st March; he asked me to vote for them, and I said, that if I was wanted, probably I might, but I never went near to vote at all.

GEORGE SUGDON, sworn; Examined by Mr. Serjeant *Sargood*.

- G. Sugdon.* 375. WERE you a voter at the municipal election?—Yes.
376. Did you vote last November?—Yes; I did.
377. As a Liberal or a Conservative?—I voted for the Liberals.
378. Do you know about what time it was?—It was about 12 o'clock.
379. Had you any communication with anybody at the time, as to why the poll was kept open?—I had been out of town, and when I returned to vote, as I came in, they told me that the Liberals had ceased voting, and that they had closed the committee-room; but I thought, as I had come, I would vote.
380. And you went to the committee-room, I suppose?—No, I did not.
381. You went to the poll?—Yes; I went to vote.

Mr. Baron *Martin*.] This has been proved by several witnesses.

382. Mr. Serjeant *Sargood*.] Do you know

373. But why were you to vote for them?—I suppose because they gave me the gift.

374. What was said upon the occasion?—He said, "We have helped you," and I said, that if I was wanted, I should go, but I never went near it.

Mr. Serjeant *Ballantine* stated that he had no question to put to the witness.

Sir Henry Edwards and Captain Kennard?—Yes, I do.

383. Had you seen them canvassing?—Yes.

Mr. Serjeant *Ballantine*.] There are some figures, my Lord, in the case, that I shall call your Lordship's attention to presently.

384. Mr. Serjeant *Sargood*.] Had you seen anyone canvassing with them?—Yes; I saw some, I know.

385. Will you tell me their names?—I recollect seeing Mr. Wreghitt and Mr. Arden, Mr. Cleaver and Mr. Barkworth. I cannot speak to any one else positively. I only saw them once to notice them. I never saw them but once; I saw Mr. Wreghitt.

386. Did you see Mr. Watson?—No; I cannot speak to any one positively. I know them all, but I cannot speak to more than those I have named.

Mr. Serjeant *Ballantine* stated that he had no question to put to the witness.

[The Witness withdrew.]

JOHN DALES, sworn; Examined by Mr. *Waddy*.

- J. Dales.* 387. WERE you Pasture Master in Beverley from 1859 to the present year?—Yes.
388. Were you chairman for the year ending in March 1867?—I was chairman in 1866, and up to 1867.
389. Within your memory, how often have there been contests for the pasture mastership?—Every time, or nearly so.
390. Since the year 1857, do you know of your own knowledge as to the employment of money in these contests?—I expect that at least there was money sent for the contest to carry it on; there is no doubt of it.
391. Mr. Baron *Martin*.] Do you mean in bribing people to vote for the pasture masters?—Yes, money to get the pasture masters in.
392. Mr. *Waddy*.] What person in Beverley supplied that money?—Mr. Wreghitt, I believe.
393. Mr. Serjeant *Ballantine*.] Did you see the money?—No; I did not see him give the money, but I have heard him say that he would send it.
394. Mr. *Waddy*.] What has Mr. Wreghitt himself ever told you?—

Mr. Serjeant *Ballantine*.] I must object to this, my Lord.

Mr. Baron *Martin*.] I think it is admissible in evidence. One of the things that I have to report upon is bribery.

Mr. Serjeant *Ballantine*.] But, my Lord, this is bribery for the pasture mastership.

Mr. Baron *Martin*.] I do not know how it will be, but if Mr. Serjeant *Sargood*'s opening is borne out, it will be evidence.

Mr. Serjeant *Ballantine*.] Does your Lordship think that what Wreghitt said is evidence?

Mr. Baron *Martin*.] Yes, certainly.

395. Mr. *Waddy* (to the *Witness*).] What have you heard Mr. Wreghitt say as to any money being employed in the pasture master contests. I mean as to where he got it?—I do not know where he got it, but I heard him say that; when I was chairman I went with the clerk to ask for the money.

396. Who was the clerk?—Mr. Monckman was clerk to the pasture master.

Mr. Baron *Martin* (to Mr. *Waddy*).] Ask him what he heard Mr. Wreghitt say?

397. Mr. *Waddy*.] You have said that you went with Mr. Monckman, the clerk, to Mr. Wreghitt?—Yes.

Mr. Serjeant *Ballantine*.] When was this?

398. Mr. *Waddy*.] Isaac Monckman you say was the clerk?—Yes.

399. When was this?—It was the last day in February in 1867.

Mr. Baron *Martin*.] I think this is evidence,

dence, but what weight it will have as to the elections is a different thing.

The *Witness*.] It was when my time was expired for chairman.

400. Mr. *Waddy*.] Do you mean that your time as pasture master had expired?—No, my time as chairman.

401. Did you go with Monckman, the clerk, to Mr. Wreghitt?—Yes.

402. What took place, just tell us, between Mr. Monckman, Mr. Wreghitt, and yourself?—We applied for money for the election on the 1st March.

403. Mr. Baron *Martin*.] Do you mean in 1867?—Yes.

404. Mr. *Waddy*.] What was the money wanted for; what were you to do with it?—To choose the pasture master.

405. How was it to be used?—It was to be given to those men who had the votes.

Mr. Serjeant *Ballantine*.] If we are to have this evidence given, we ought to have what was said.

406. Mr. Baron *Martin*.] You say that the money was to be given to the men who had the votes?—Yes; before that we asked Mr. Wreghitt for the money, and he stated that the money would be all ready in the morning, and that he would see Mr. Dawson; that is, the 1st of March; and he would not give us it; and he did not give any that night.

407. Mr. Baron *Martin*.] He was to see somebody, was he?—Yes; Mr. Dawson; he was one of the pasture masters.

408. Mr. *Waddy*.] I believe it is Mr. James Dawson?—Yes.

409. Do you know whether Mr. Wreghitt did pay the money to Mr. Dawson?—I do not know whether he did or not.

410. Who was chairman for the following year; was it Mr. Dawson?—No; do you mean after me.

411. Yes?—Mr. Arnott.

412. The year following that, I believe, Mr. Dawson was chairman?—Yes.

413. On the last day of February 1868, were you at a meeting at the "Golden Ball"?—Yes.

414. Was Mr. Charles Arnott then the chairman?—Yes.

415. Were Mr. Arnott and Mr. Monckman, the clerk, present at the meeting at the "Golden Ball"?—Yes.

416. Did they leave the meeting to go to Mr. Wreghitt?—Yes.

417. Before they left the meeting, had you and other persons present desired them to do so?—Yes, it was the custom to do so; they always used to go to Mr. Wreghitt at that time.

418. Mr. Baron *Martin*.] How long had this been the custom; for many years?—As far as I have known it, for nine or ten years it has been the custom to do so; I do not say to a year.

419. Mr. *Waddy*.] Did you ever hear of such a thing before 1857, or before Sir Henry Edwards came to the borough?—No, I never heard of such a thing before.

420. Had Mr. Wreghitt himself any interest or right in the freedom or in the pasture?—No, he had no right in it.

421. He had nothing to do with it?—No; he is not a freeman.

422. Did Mr. Arnott, after he had left the meeting, come back again?—Yes.

423. What took place at the meeting; what was the result, then, when Mr. Arnott came back?—He reported that Mr. Wreghitt had stated that he would let them have 100*l.* and more.

Mr. Serjeant *Ballantine*.] This is what somebody said that Mr. Wreghitt said.

Mr. Baron *Martin*.] I do not think this would prove that Mr. Wreghitt gave the money.

424. Mr. *Waddy*.] Did he produce any money?—I never saw it, but he stated that he would let them have 100*l.*; Mr. Wreghitt would; I do not know where it came from; I cannot say.

425. Was any money found by anybody the next day?—I cannot say where it was found.

426. Mr. Baron *Martin*.] Did you see any money paid the next day?—No; I do not know that I did.

427. Mr. *Waddy*.] Before the year 1859, were the pasture masters elected from each body, the Conservatives and the Liberals?—

Mr. Baron *Martin*.] I think that has been sworn to, and there has been no cross examination upon it.

428. Mr. *Waddy*.] Very well, my Lord. (To the *Witness*.) Has Mr. Wreghitt ever paid you any money?—He once paid me a sovereign; that was for the choosing of a guardian.

429. Mr. Baron *Martin*.] He gave you a sovereign?—Yes, to help me to get in the guardian, and I was guardian at that time.

430. You mean guardian of the poor?—Yes, I was guardian of St. Nicholas's parish.

431. Mr. *Waddy*.] How came he to give it you?—It was to help me to get in, that I might stand treat for those that voted for me.

432. When was that?—I forget the year, I am sure.

433. Did you so apply it?—

434. Mr. Serjeant *Ballantine*.] But when was it?—I cannot exactly say the year at present, but I think it was about 1866 or 1867.

435. Mr. *Waddy*.] What is Mr. Wreghitt in this town?—He is a draper.

436. How long has he been in the town, do you know?—I cannot say that.

437. How long have you been in the town?—All my life, I think, almost.

438. Did Mr. Wreghitt ever tell you about where the money came from that he had?—No.

439. Do you remember being at the "Cross Keys" with Mr. Kempley?—Yes.

440. Did you receive anything from him?—Yes.

441. What did you receive?—I believe 40*l.*

442. Mr. Baron *Martin*.] When was this?—It was at the election of Sir Henry Edwards and Mr. Walker; the election of Mr. Walters and Mr. Glover, I believe.

443. In the year 1859?—I think it was.

444. Mr. *Waddy*.] What did you do with that money?—It was to pay voters.

445. How much did you give to each voter?—About 3*l.*

446. What was the money given to them for?—To vote for Edwards and Walker.

447. Mr. Baron *Martin*.] Was this before the election, or after the election?—It was on the election day.

J. Dales.

9 March
1869.

J. Dales.
9 March,
1869.

448. Do you know where Mr. Kempley got that money from?—I do not know, but I expect he got it from Mr. Wreghitt.

449. Why do you say that?—Because we always knew the money came from there; we always had a knowledge of that.

450. Did Mr. Wreghitt say anything to you about it?—No.

451. In the last few years have you been having grouse sent to you?—Yes, I have.

452. For how many years have you had them?—I have only received twice a brace of grouse.

453. Who sent them to you?—Mr. Wreghitt.

454. When he sent them, did he say where they came from; how he had got them?—No; I do not know that he said particular where they came from; I do not know whether he said where they came from.

455. Do you remember whether there was any ticket upon them?—I cannot say whether there was; but I believe he said something about Sir Henry Edwards' compliments when the grouse was given to me.

Cross-examined by Mr. Serjeant *Ballantine*.

456. Was there an election petition in relation to that election, when you say that you received 40*l.*?—Yes; there was a petition against Mr. Walters, and against Sir Henry Edwards, too.

457. There were two petitions?—Yes.

458. One against Mr. Walters, and another against Sir Henry Edwards?—Yes.

459. Was Mr. Walters a Radical?—I do not know that.

460. Was he a Liberal?—Yes; perhaps.

461. Mr. Walters was unseated, was he not?—Yes.

462. And Sir Henry Edwards retained his seat?—Yes.

463. There was another petition next year?—Yes.

464. Mr. Baron *Martin*.] Were you examined as a witness?—No; I was not at all.

[The Witness withdrew.

HENRY WARD, sworn; Examined by Mr. Serjeant *Sargood*.

H. Ward.

465. You are Henry Ward?—Yes.

466. Are you a Reporter for the "Beverley Recorder" newspaper?—Yes.

467. Did you attend a meeting called by the Conservative party at the Assembly-rooms, on the 2nd November?—On the 3rd November.

468. Did you see Sir Henry Edwards and Captain Kennard on the platform?—Yes.

469. Have you your note-book here?—Yes.

470. Who were with them on the platform taking any active part in the meeting?—

471. Mr. Baron *Martin*.] This was published in the newspaper, was it?—Yes, my Lord.

472. Mr. Serjeant *Sargood*.] Give me the names of the gentlemen who were there?—There were Mr. Alderman Arden, Mr. Alderman Cozens, Mr. Barkworth, and the Reverend Mr. Mooney.

473. Mr. Baron *Martin*.] A clergyman?—Yes; Captain Elliott and Mr. Wreghitt.

474. Mr. Serjeant *Sargood*.] And several other gentlemen?—Yes; but I cannot call them to mind just now.

475. Were you present at the Conservative meeting on the 11th of November?—Yes.

476. Were the two candidates there?—Yes.

477. What gentlemen did you see there then?—About the same gentlemen.

478. Mr. Wreghitt was there?—Yes.

479. And Mr. Alderman Arden took the chair?—Yes.

480. And the other gentlemen whom you have mentioned; did you see them again?—Yes.

481. Had you seen Sir Henry Edwards and Captain Kennard canvassing about the borough?—Yes.

482. Frequently?—Yes.

483. Had you seen with them on that canvass the same gentlemen you have mentioned as having been present at the meeting?—Yes; with the exception of Captain Elliott, but I cannot say that I saw him.

484. Had you seen other persons whom you have not mentioned, as being at the meeting, canvassing with them?—Yes.

485. Had you seen, amongst others, Robert Thirsk; just mention some of their names?—Yes.

486. And Mr. Cleaver?—Yes.

487. And Mr. Watson?—Yes.

488. And Mr. Ackrell?—Yes.

489. Thomas McCoy?—Yes.

490. And Mr. Straker?—Yes.

491. Mr. Nutchee?—I cannot say I have seen him.

492. And Mr. Monckman?—Yes.

Mr. Serjeant *Ballantine* stated; that he had no question to put to the Witness.

[The Witness withdrew.

JAMES HUTTON, sworn; Examined by Mr. *Waddy*.

J. Hutton.

493. WERE you formerly a member of the Conservative Working Man's Association?—I was.

494. Was Mr. Wreghitt chairman of that association?—He was.

495. In the month of February 1867, were you chosen pasture master?—I was nominated one: I was chosen on the 1st March.

496. After the election, did you offer to pay your share of the expenses of the election?—I inquired what was to pay, and then I was told that when I was wanted, or when any money

was wanted of me, I should be axed for it; and for that reason I had nothing to pay. Before I was elected, I said that I wished to try what a pure election would do, and that I would be at no expense whatever, not to be elected; but I did not think it right that a poor man was to pay for me, and that if he had to pay, I should wish to pay it myself.

497. While you were pasture master, do you recollect applications being made for Walker's Freeman's Gift?—Yes.

498. Mr.

498. Mr. Baron *Martin*.] Was Mr. Walker a native of this town?—I do not know; I have not been long in the town.

499. Mr. *Waddy*.] When these applications were received by the pasture masters, what were the questions asked as to it?—I do not know whether there were many questions asked, but there was always a partiality shown if they belonged to what they called “our party.”

500. Which party was that?—The crimson party.

501. Do you mean the Conservatives?—Yes.

502. Crimson was their colour?—Yes.

503. Did you object to that?—Yes, I objected to it; I said that they should leave their politics at home as pasture masters, and should come there and do their duty as pasture masters.

504. At that time did Mr. Wreghitt, to your knowledge, interfere with the elections?—He had on following elections. He said that there was one of the pasture masters that had lifted them up with one hand, and knocked them down with two, and that was only me; at the municipal election, I voted for the two Liberals; I did not vote for Mr. Wreghitt; I voted for Mr. Findlater that was one of the candidates, and so I was not nominated.

505. Before that time, had you observed whether Mr. Wreghitt had had anything to do with the pasture master's election?—He had nothing to do with the pasture master's election, but he had to do with the dinner.

506. Did you say something about the dinner?—I said that I thought that if they had any dinner to spare, there was plenty of freemen to invite without inviting anybody else.

JOHN WARD, sworn; Examined by Mr. Serjeant *Sargood*.

516. ARE you the Publisher of the “Beverley Recorder” newspaper?—Yes.

517. Did you publish in your paper the address of Sir Henry Edwards at the last election?—I did.

518. By whose instructions?—I received my instructions from Sir Henry Edwards.

519. From him personally?—Yes.

520. Was that publication of the address to be continued until it was countermanded?—There was no positive order.

521. No positive direction?—No.

522. You began, and you did publish it from time to time in the paper?—Yes.

523. Having published it for a few times, did anybody come to you as to it?—Yes.

524. Who was that?—Mr. Wreghitt.

525. What did he say to you about the address?—He asked the cost of it.

526. Mr. Baron *Martin*.] That is, the amount of your bill?—Yes, for its insertion; and I told him.

Mr. GEORGE M. USHER, sworn; Examined by Mr. *Waddy*.

533. I BELIEVE you are Secretary to the Beverley Iron and Waggon Company, Limited?—I am.

534. Is Sir Henry Edwards one of the directors and chairman of that company?—He is.

535. When was it established?—In 1864.

536. Mr. Norfolk is the managing director, I believe?—He is.

537. Mr. Baron *Martin*.] Is it for making rail-

507. Was there a dinner every year?—Yes.

508. Did Mr. Wreghitt come to that dinner?—Yes, he did.

509. Was there anybody else at that dinner except Mr. Wreghitt, who was not a freeman?—Yes; I believe there was one.

510. Mr. Alderman Cozens was there?—Yes, he was there, I believe.

511. He is one of the trustees, is he not?—I do not know; but if he was there, that was all that was there that were not freemen.

512. Except Mr. Alderman Cozens and Mr. Wreghitt, there were none there but freemen?—No; not to my knowledge.

513. Mr. Baron *Martin*.] At whose expense is the dinner given?—It is under Walker's Gift, the dinner is.

Mr. Serjeant *Ballantine*.] My Lord, the will directs that the dinner is to be given, and the amount allowed for it is 5 l.

514. Mr. *Waddy*.] Did you object?—I only objected to him himself. I mentioned it afterwards, that if I had known he had been there, I certainly should not myself have gone.

515. What was the result as to your election in the next year?—I never was nominated at all, because I did not vote for Mr. Wreghitt; that was one thing.

Mr. Serjeant *Ballantine* stated he had no question to ask the Witness.

[The Witness withdrew.

527. Mr. Serjeant *Sargood*.] What did he say when he heard the price of it?—He said that I was to discontinue it for the present.

528. Did you recognise him as a competent authority to countermand Sir Henry Edwards' order, and did you act upon it?—Yes, I did.

529. To whom did you send in your bill for what you had done already?—To the solicitor, Mr. Bainton, the election agent.

530. The recognised agent of Sir Henry Edwards?—Yes.

531. Your bill was duly paid, was it?—Yes, it was.

532. And it appears in their accounts sent in to the returning officer?—Yes.

Mr. Serjeant *Ballantine* stated he had no question to put to the Witness.

[The Witness withdrew.

way waggons?—Yes, and for general agricultural purposes as well, my Lord.

538. Mr. *Waddy*.] Are Mr. Robert Thirsk, Anthony Levett, and John Robinson Bentley, foremen?—Yes.

539. Are these men workmen: George William Davis?—Yes.

540. Thomas White?—Yes.

541. Thomas Monckman?—Yes.

B 3

542. Robert

J. Hutton.

9 March
1869.

J. Ward.

Mr. *G. M.*
Usher.

Mr. G. M.
Usher.
9 March
1869.

542. Robert Clark?—Yes.
543. Robert Bentley?—I do not know him.
544. John Turnbull?—Yes.
545. Do you know John Robinson Bentley?—Yes, I admitted him; he is a foreman.
546. Has he a nephew employed at your works?—That I cannot say.
547. At the last municipal election did you stand for one ward?—Yes.
548. Which was it?—The Minster ward.
549. And Mr. Norfolk, did he stand for the other ward of St. Mary's?—Yes.
550. Each of you stood, I believe, in the Conservative interest, with two other candidates for each ward?—Yes, I was in the former election.
551. And you were one of the three in each case?—Yes.
552. And all three, I believe, were successful in both wards?—Yes.
553. Who were the other candidates in your ward with you?—Mr. Catterson and Mr. Lowther.
554. Is that Mr. Robinson Lowther?—Mr. Butterwell Lowther.
555. Was it Mr. Catterson, junior?—No, senior.
556. I believe Mr. Catterson is your father-in-law?—Yes.
557. In the other ward who were the successful candidates with Mr. Norfolk?—I believe Mr. Whitton and Mr. Benton.
558. Marmaduke Whitton?—Yes.

Cross-examined by Mr. Serjeant *Ballantine*.

559. This company, I believe, used to be in the hands of the bank?—It was.
560. But it got into circumstances of difficulty?—Yes.
561. Mr. Baron *Martin*.] It is Mr. Crosskill's old business, is it not?—Yes.
562. Mr. Serjeant *Ballantine*.] I believe some difficulties arose?—Yes.
563. Do you know that Sir Henry Edwards was solicited to take the chair?—Yes; he was solicited to take the chair.

WILBERFORCE HERDSMAN, sworn; Examined by Mr. Serjeant *Sargood*.

W.
Herdsman.

575. ARE you one of the Municipal Electors?—Yes.
576. And have been for some few years past?—Yes.
577. Are you personally acquainted with the mode by which the municipal elections have been carried on for some years past?—Yes.
578. Is it within your knowledge whether or not money has been paid to voters?—Oh, yes, it has.
579. Probably from your own personal experience, one way or another, you can tell me what amount is the usual amount?—There has been a difference in the amount; it varied from half-a-crown to a crown at times, and up to 10s. and 1 l.
580. That is recently, is it not?—Yes, that is recently, before the last election.
581. Did you ever know it higher?—Yes, 15 s.
582. Before 1868?—Yes, and in the case of some individuals a sovereign.
583. In 1861, were you an applicant for Walker's Gift?—I did not apply, while I was asked if I had had anything; I went round with

564. That was after he had become a Member for the borough, was it not?—Yes; it was many years after that.

565. Upon the earnest solicitation of the parties he became chairman?—Yes.

566. It is a fact, is it not, that if you had broken up at that time, there would have been an enormous deal of want in consequence?—There is no doubt that if the thing had not been turned into a company the works would have been taken down completely.

567. And the men would have been thrown out of employment?—Yes; we have generally employed from 200 to 300 men.

568. Mr. Baron *Martin*.] Has Mr. Crosskill anything to do with it now?—No.

Re-examined by Mr. Serjeant *Sargood*.

569. It was a very unsuccessful affair; and was not Mr. Crosskill paid a considerable sum to retire from it?—He was paid something; it was arranged in the Court of Chancery, and I cannot answer for it.

570. This unhappy concern paid him something to retire?—Yes.

571. Was not this unflourishing concern in such a state that the applications for shares were more numerous than you could supply?—We had more applications for shares than we could supply according to the number that we issued.

572. Mr. Baron *Martin*.] It is Mr. Crosskill's Company still?—No; it is the Beverley Iron Working Company.

573. What things do you send up to exhibit?—They are similar in many respects to what were manufactured formerly. Mr. Crosskill's name is not used for us; they have a patent besides of their own.

574. Mr. Serjeant *Sargood*.] Mr. Crosskill's son carries on a business of his own, I believe?—Yes.

[The Witness withdrew.

the gentlemen to canvass for the municipal, and they canvassed upon a man that had had this Walker's charity, and he would not vote for them; he said he was the wrong party, and one of the gentlemen axed me if I had got anything, and I said no, I had never applied for nothing, and they said, "Then on Monday we can give this money to you, or give it to your friend."

584. This was in 1861?—Yes.

585. Did you get any grant from Walker's Gift?—Yes.

Mr. *Giffard*.] This gentleman's name is not in the particulars; I take it, that the only hypothesis upon which this can be evidence is upon the hope of connecting one thing with the other.

Mr. Baron *Martin*.] 1861 is a very long time ago.

586. Mr. Serjeant *Sargood*.] It is, my Lord; I will not pursue that. (To the *Witness*.) Were you canvassed at the last municipal election at all?—No.

587. What was the date of the last one that you

you took any active part in?—I believe it was 1867.

588. Was the same practice going on then?—Yes.

589. What was the sum that was paid, within your knowledge, at that time?—From half-a-crown to a crown.

590. Have you made any application for Walker's Gift since 1861?—Yes.

591. When was it?—I believe it was in 1867.

Mr. *Giffard*.] I must again take the objection, this gentleman's name is not in the list.

Mr. Baron *Martin*.] I do not know what my brother Sargood means to prove. (To Mr. Serjeant *Sargood*). Do you mean to show that this man was paid himself?

Mr. Serjeant *Sargood*.] Yes, my Lord.

Mr. Baron *Martin*.] Just show me the particulars.

592. Mr. Serjeant *Sargood*.] I may save your Lordship trouble; I am told he is not named in the particulars; therefore, I will not give any individual act of receiving money, but I will use him as a witness, giving general evidence upon the subject. (To the *Witness*.) Do you know any person who did get anything from Walker's Gift besides yourself?—Yes, a great many.

593. Do you know which way they voted at the Parliamentary elections?—There has been one or two that has voted contrary against them, but the biggest part of them voted for them.

594. Had you ever any communication with Mr. Monkman, whose name has been mentioned to-day?—Yes, Thomas Monkman.

595. What was the subject of it?—We was what was called runners at the municipal election.

596. What had you to do?—I had to go and fetch men up to vote.

597. Mr. Baron *Martin*.] Do you mean at this last municipal election?—No, 1867.

598. Mr. Serjeant *Sargood*.] You were employed on that election?—Yes.

599. What did Monkman employ you to do?—Monkman paid me 5 s. for my day, and I voted and had 5 s. for my vote, the same as the rest of the men got, and he sent me to Mr. Wreghitt.

600. You asked for 5 s. for your vote?—Yes, the same as the rest was getting.

601. Did he refer you to anybody on the subject?—Yes.

Mr. *Giffard*.] I do object to that; it comes to precisely the same thing.

Mr. Baron *Martin*.] I do not see any objection to it; I know from the opening of the learned Serjeant that he means to show that there has been a system of appropriating this money to those who were not entitled to receive Walker's Gift, and other matters with regard to this pasturage, for the purpose of promoting the election, as I understand, anything to do with bribing individual men, but as a general system affecting the election generally, that there has been corrupt influence used by means of this pasturage and Walker's Gift, for the purpose of affecting voters, it is not personal bribery at all.

Mr. *Giffard*.] I should put it thus: if it is bribery, the particulars have not been given; if it is not bribery, it is irrelevant.

Mr. Baron *Martin*.] I do not think so; it is evidence of a general system of applying the benefits, that is, the feeding of cattle upon the pasture, and money coming out of Walker's Gift, for the purpose of influencing voters; it is clearly evidence.

Mr. *Giffard*.] It would clearly be evidence if the particulars had been given.

Mr. Baron *Martin*.] You do not want any particulars for that; will you show me Mr. Justice Blackburn's order; if it is the common order it is the particulars of persons bribed, which means persons bribed at the election; this would not come within that at all; it has nothing to do with it.

602. Mr. Serjeant *Sargood*.] I do not think the particulars bear upon it; I take it as part of the general evidence. (To the *Witness*.) He referred you to Mr. Wreghitt?—Yes.

603. Did you go to him?—Yes.

604. What did you say to him?—I told him I had only received 5 s.; I had not received nothing for my vote the same as the rest of the men that I had fetched up; they had got money, and he said he would see Mr. Monkman, and I was to call again; I seed Mr. Monkman, and he paid me 5 s. for my vote.

Mr. *Giffard*.] My Lord, we have now the order, if your Lordship will hear me: "Upon hearing counsel on both sides, I do order that the petitioners shall, three days before the day appointed for trial, leave with the master, and also give the respondents or their agents, particulars in writing of all persons with numbers on register, alleged to have been bribed, of all persons alleged to have been treated, of all persons alleged to have intimidated, and of all persons alleged to have been conveyed to the poll, or their expenses paid."

Mr. Baron *Martin*.] That is, persons who are bribed at the election of 1868.

Mr. *Giffard*.] That is not quite all, this order goes further than the common form: "And that no evidence shall be given by the petitioners of any objection not specified in such particulars, except by leave of a judge upon such terms, if any, as to amendment, postponement, and payment of costs as may be ordered; and I further order that the petitioners shall, within four days from this day, leave with the master, and give the respondents particulars in writing of the nature of the corrupt or illegal practices charged in general terms in the petition, otherwise the petitioners shall be restricted to the charges the nature of which is specified in the petition; and in the event of such particulars of the nature of the corrupt or illegal practices, in the petition alleged in general terms, being given, the petitioners shall, three days before the day appointed for trial, leave with the master, and give the respondents, particulars of the person or persons alleged to have been affected thereby, subject to the same consideration as above provided in cases of bribery, or other specified charges." Your Lordship observes that the order is a great deal more precise than an order for particulars generally is.

Mr. Baron *Martin*.] It seems to me that this is not within it at all. This man is not

W.
Herdsman
9 March
1869.

W.
Herdsmen.
9 March
1869.

a person, as I understand, who is alleged to be bribed at the last election, or to have received anything for it; but it is for the purpose of showing, as was done in the Salford case, the general conduct at the election, and for the purpose of thereby affording evidence which may bear upon what was the general quality of the act which was done afterwards which may affect the election. It is like the hiring of cabs, and it is like the hiring of roughs, and it is like the hiring of public-houses, and having people there and treating them; but it is clearly admissible in evidence for the purpose of showing what possibly may be the quality of acts which do immediately affect the election. There is nothing in this to confine the evidence in the case simply to what has been done with respect to bribing any particular man; but my brother Sargood may give general evidence bearing upon the case showing the real nature of the transaction here.

Mr. Giffard.] What occurred to me was, that that last branch of the order pointed out that the Petitioner must, in order to entitle himself to give this evidence, have given particulars specifying those individual acts, and the names of the persons whom he alleges to be corruptly influenced.

Mr. Baron Martin.] I do not think that is necessary at all. You may go on, Mr. Serjeant Sargood.

605. Mr. Serjeant Sargood (to the Witness).] I will come to another matter; were you employed by Mr. Wreghitt originally for the purpose of signing notices of objections to Parliamentary electors for the Conservative party?—Yes.

606. He was your employer?—Yes.

607. Did he pay you?—Yes.

608. For what period were you so employed?—For the last four years.

609. Mr. Baron Martin.] Do you mean 1868, 1867, 1866, and 1865?—Yes, my Lord.

610. Mr. Serjeant Sargood.] Do you know a person named Henry Usher?—Yes.

611. Did you, in 1865, apply to Mr. Wreghitt about taking up Henry Usher's freedom?—No; Mr. Wreghitt applied to me about him.

612. What did Mr. Wreghitt say to you?—He axed me if I knewed the man, and I said "Yes;" he said he had had his brother applying for his freedom-money, and it was 2*l.* 10*s.* was the cost of his freedom; he axed me if I thought he would be a man that would support the party.

613. Did he say who?—Yes; Sir Henry Edwards; at that time it was not Sir Henry, it was Mr. Edwards, and I was to see the man, and tell him to come to Mr. Wreghitt for his money.

614. Mr. Serjeant Ballantine.] Who said this?—Mr. Wreghitt.

615. Mr. Serjeant Sargood.] Was Usher a young man who had just come of age?—He had not got his freedom; I will not say how old he was; I believe he was away from the town a piece.

616. Was he about 22 or 23?—Yes, something of the sort.

617. Not a man who had had a vote before?—No.

618. Did you communicate to Usher what Wreghitt had said to you?—Yes.

619. What did you say to Usher about his voting?—I told him that his brother had applied for his freedom; Mr. Wreghitt told me that I was

to see him; that his brother had applied for his freedom, and he would give him his freedom upon condition that he hoped he would support Mr. Edwards' party.

620. Did you send Usher to Wreghitt?—Yes.

621. Did you afterwards see Usher when he returned from Wreghitt?—Yes.

622. Did he show you anything?—He took me to a public-house, to give me the lunch-money; there was 1*s.* allowed out of it always to get lunch with.

623. Did he show you any money?—No; he said he had got the money; he did not show me it.

624. Do you know how much was wanted to take up the freedom?—Yes, 2*l.* 9*s.* altogether, putting his claim in and putting him on the free-men's list, and then that was 1*s.* less as a matter of regular rule; that was for the man to get the lunch with.

625. In the same year, 1865, did you see one Joseph Newball?—Yes.

626. Was that by Wreghitt's desire?—No; I seed Wreghitt first, and when I seed him, I went to apply for this young man to take up his freedom for him.

627. You introduced the subject to Wreghitt?—Yes.

628. What did you say to Wreghitt about Newball?—I told him he was a young man that wanted to take his freedom up; he was free-born and his freedom only cost 10*s.* altogether, and I told him he was a young man, and he wanted to see if they would take it up for him, and he would support them; Mr. Wreghitt said I might send him on, if I thought he was a friend of ours.

629. You mean about voting?—Yes.

630. Did some negotiation practically take place as to that young man's vote?—Yes.

631. Did you send him to Mr. Wreghitt?—Yes; I took him to Mr. Wreghitt.

632. Is it within your knowledge that his freedom was paid for by Wreghitt?—Yes.

633. Do you know that?—Yes.

634. Mr. Serjeant Ballantine.] Did you see it paid for him?—Yes, I seed him pay it; I was by him.

635. Mr. Serjeant Sargood.] Do you remember William Palmer?—Yes.

636. In the beginning of the year 1867, did you go with him to Mr. Wreghitt about taking out his freedom?—No; I went to Mr. Wreghitt before I seed Palmer, to ask Mr. Wreghitt to take his freedom up, but he objected to it at first, but I seed a gentleman they called Mr. Lowther, and he told me I was to go to Mr. Wreghitt again, and tell him he must take his freedom up; he was a man that he thought would support the party.

637. And was Mr. Palmer's freedom taken up accordingly?—Yes.

638. In July 1868, last year, did you see Mr. Wreghitt about getting Thomas Rippon's freedom for him?—Yes.

639. Did you introduce that subject to Mr. Wreghitt?—Yes.

640. How did he receive that proposal?—Not very well.

641. What did he say about it?—He said he had taken his brother's freedom up previous to the last general election, and he had polled against him.

642. Was that true within your knowledge?—Yes.

643. Did you say anything to Mr. Wreghitt about

about which way this man would go?—Yes; I said this man told me he would vote for the party if they would take his freedom up.

644. What did Wreghitt say to that?—He said I was to send him on to him.

645. And was his freedom taken up?—Yes.

646. Do you remember the late Mr. William Watson, the builder?—Yes, very well.

647. Did he send you to Mr. Wreghitt about Thomas Wilson's freedom?—Yes; others besides him, sent me there about his freedom.

648. Was anything said then about Mr. Wilson as to how he would vote?—Yes; he axed me how I thought he would vote, and his uncle said he would depend upon him voting; he was apprenticed with his uncle, and he said he would depend upon him voting for the party if they took it up.

649. You told Mr. Wreghitt that?—Yes.

650. And was Wilson's freedom taken up?—Yes.

651. Mr. Watson, the uncle, was a man well-to-do in the world, was he not?—Yes.

652. Why did not he pay for it himself?—He promised me half-a-sovereign if I could get his nephew's freedom money; he said if he could not get it, he would take it up himself for him, as he had been a good apprentice. He got married just after, and he said he wanted more money; he would be glad to get his furniture, and such like.

653. Did you also see Mr. Wreghitt about James Ellerker?—Yes.

654. Was anything said about the voting then?—I went to see his master; he was apprenticed to Mr. Watson, was that young man.

655. Did you go to Wreghitt to see if he would take up his freedom?—I went for Watson to Mr. Wreghitt, to ax him if he would take it up.

656. What did Wreghitt say?—Wreghitt said he would see his master, and I fetched Mr. Watson to Mr. Wreghitt.

657. What took place while you were there?—Wreghitt asked him if he thought he would support them, and he said he had been a good and faithful servant all his apprenticeship, and he warranted he would support the party; that he might depend upon his word if he said so, and upon this condition, Mr. Wreghitt took his freedom up.

658. What year was that; was it July 1867?—Yes.

659. What was the month?—Rippon's was last year.

660. Do you remember William Smelt?—Yes.

661. Did you see Mr. Wreghitt about William Smelt?—Yes.

662. What year was that?—I am sure I have not it down, it is two or three years since; two years since perhaps.

663. You saw Wreghitt about that; what was said about it?—I was to tell him to go and see Mr. Wreghitt, and he would take it up for him.

664. What was said about voting, if anything?—He axed me what he was, and I told him; I said his father had supported the party, and he would support the party if he took his freedom up; so he said I was to send him down and he would take his freedom up.

665. Was Smelt's freedom taken up by Wreghitt?—Yes.

666. Those are all the questions that I am told to ask you about freedoms; you have told us about the price of municipal votes; is it within your knowledge, that votes for election of pasture masters were ever paid for?—Yes.

667. Is that a common practice?—Yes.

668. Had Mr. Wreghitt anything to say to that, do you know; what was the price then?—There has been different prices, 5 s., and 10 s., and 15 s., and as high as a sovereign for some odd individuals.

669. Have you had any communication with Mr. Wreghitt on the subject of pasture masters?—No, I never had no communication with him upon it.

670. Did you ever hear from Wreghitt where all this money came from to pay for people's freedoms who were likely to vote the right way?—

Mr. Serjeant *Ballantine*.] Does your Lordship think that this can be asked?

Mr. Baron *Martin*.] It is no evidence to prove that it was given by any particular individual; but it is evidence, I should take it, with respect to Wreghitt; it is not evidence, of course, that Wreghitt gave it.

671. Mr. Serjeant *Sargood* (to the *Witness*.) Have you heard from Wreghitt where the money came from which he supplied to pay for the freedoms?—No; he never told me that.

672. Or has he ever told you where the money came from for buying votes for the municipal elections?—He has said to me that the money came from Mr. Edwards, that it was Mr. Edwards's money that he took the freedoms up with.

673. He has said that, has he?—Yes.

674. Has he ever told you where the money came from that paid the voters at the municipal elections?—No.

675. Have you ever known money paid for voting for churchwardens?—Yes; and given it myself.

676. You say yes, as though it was not an exceptional thing; have you often known it?—Yes.

677. How much was the tariff there?—It varied there from 1 s. to 2 s.

Mr. Baron *Martin*.] What was the object of being a churchwarden; it is generally considered a troublesome office.

678. Mr. Serjeant *Sargood*.] Why should people pay for being elected churchwarden?—I do not know what perquisites they had in the church.

679. Perhaps there is a good deal of patronage to pay them; but do you know whether the churchwardens themselves paid for the votes, or whether somebody subscribed to get the votes for them?—I think the churchwardens did not pay themselves.

680. Mr. Baron *Martin*.] Were you examined in a trial at York, that took place three or four years ago?—No, never in my life.

681. Mr. Serjeant *Sargood*.] Have you seen Sir Henry Edwards and Mr. Kennard canvassing about the borough?—Yes.

682. You know what I mean; before the Parliamentary election, soliciting votes?—Yes.

683. Have you seen any gentlemen with them?—Yes.

W.
Herdsman.
9 March
1869.

W.
Herdsmen.
9 March
1869.

Mr. Baron *Martin*.] That does not prove anything; of course when a man goes canvassing, he goes about with his friends.

Mr. Serjeant *Ballantine*.] As I had heard what your Lordship has said upon the subject of canvassing upon former occasions, I have not cross-examined upon this matter.

Mr. Baron *Martin*.] It is a thing that must be done at present; I shall not be sorry if it is prevented; but at present there is nothing wrong in it.

[The Witness withdrew.]

THOMAS RIPPON, jun., sworn; Examined by Mr. *Waddy*.

T. Rippon,
jun.

684. ARE you a freeman of this borough?—Yes.

685. Had you a conversation with Wilberforce Herdsman about the month of July last?—Yes.

686. I do not ask what was said between you; but, in consequence of what was said, did Herdsman promise to get you some money?—Yes.

687. Did you afterwards meet Herdsman in the market place?—Yes.

688. Had you another conversation with him about the matter?—Yes.

689. In consequence of that conversation did you go to see Mr. Wreghitt?—Yes.

690. Was Wreghitt, when you went to see him, at his shop?—Yes, I went to see him at his shop; but he was not at home.

691. Was that on Saturday, or what was the date?—I believe about the 20th or the 21st of July.

692. When you got to Wreghitt's shop it was about 2 o'clock in the afternoon?—Yes, from two to half-past.

693. He was not in, and you waited some short time and then came out of the shop?—Yes.

694. You met him coming out of the bank?—I met him coming out of the Beverley Bank.

695. Did Wreghitt then come along the road towards you?—Yes.

696. Did you enter into conversation with him?—Yes.

697. Just tell us in your own way exactly what passed between you?—I said, "Mr. Wreghitt, you are just the gentleman I have been wanting to see for some time." He says to me, "Hallo! what is it?" I said, "I want to see, Mr. Wreghitt; if you will do a little towards taking my freedom up, as I am out of work, or I would not have asked you"; and he asked me what was my name. I told him, "Thomas Rippon." He said, "Was it Rippon in Minster-gate, brother to John Cundys Rippon." I said, "Yes." He says, "Oh, we took his freedom up, and he voted against us"; and I said, "You cannot condemn one man for another man's deeds"; and he hesitated for some time. I walked up with him; then he says, "Well," he says, "I will take your freedom up on conditions that you vote for Sir Henry Edwards and Captain Hegan Kennard at the forthcoming election"; and I walked along with him.

698. You have told us that this was Saturday, some time after the 20th of July?—Yes, some time; I could not say the proper date; from the 20th to the 21st or the 25th; somewhere about that date.

699. Is there a newspaper published in the town on that day?—Yes, the "Beverley Guardian" and the "Beverley Recorder."

700. Had you seen that day anything in the paper about Captain Kennard?—I seed the "Beverley Guardian," that the Conservatives

had held a meeting on Friday night; it was published in the "Beverley Guardian" on the Saturday morning, the same day as I received the money from Mr. Wreghitt.

701. Was Captain Kennard's name mentioned?—Yes; I believe he had been nominated on the Friday night previous.

702. Now, then, just tell us what was the end of this conversation; when he asked you to vote for Edwards and Kennard, what followed?—He took me along with him up to his shop, and he pulled out his purse, a leather purse, and gave me half-a-sovereign.

703. And what did he say to you when he gave you that; did he tell you to do anything?—Yes, he said I was to go and put my claim in at once, else there would not be sufficient time to get it taken up to vote at the forthcoming election.

704. Where were you to go to to take it up?—To Mr. Crust's office.

705. Mr. Crust, the town clerk?—Yes.

706. When you got to the town clerk's office, did you see any person there?—Yes, I saw Mr. Pomfret.

707. Who is he?—He is one of Mr. Crust's clerks, I believe.

708. Just tell us exactly what took place when you came to put your claim in?—Pomfret said, "You have run it very near; I do not know how we shall manage with you, I am sure;" and I said to him, "I hope you will do what you can for me to get it in in time."

709. I believe then it was that you made out the claim, signed it, and in the end you got your freedom?—Yes; there was not sufficient time to take it up at the Town Hall; I had to go to the mayor's office to get it taken up.

710. Mr. Baron *Martin*.] You were a freeman by birth, I think?—Yes, my Lord.

711. Mr. *Waddy*.] Did Wreghitt say anything to you about whose money it was, that was paying for your freedom?—No.

Cross-examined by Mr. *Giffard*.

712. And, as I understand, you did get on the list?—Yes.

713. And you did vote at the election?—Yes.

714. How long before you went up to the town clerk's office with the claim was it that this conversation took place between you and Wreghitt?—Perhaps about three or four days; three days, perhaps.

715. You are quite certain that it was before the 31st of July?—Yes.

716. You said to Wreghitt that you were out of work at the time?—Yes.

717. Was that true?—It was.

718. When did you get into work again?—I have not been in regular work for some time now; in fact, I am not now in regular work.

719. Mr.

719. Mr. Baron *Martin*.] What is your business?—A bootmaker.

720. Mr. *Giffard*.] How have you been supported since?—I live at home with my father; I get work now and then, at least I have been doing work now at Mr. Crosskill's Foundry, as

far as that goes, but it is not my regular employment.

721. For whom did you vote?—I voted for Maxwell and Trollope.

[The Witness withdrew.

T. Rippon,
jun.
9 March
1869.

JOHN DICKSON, sworn; Examined by Mr. Serjeant *Sargood*.

722. WHAT are you by trade?—A Smith.

723. Were you admitted to your freedom in February 1867?—Yes.

724. You had been apprenticed, I think, to a Mr. Relph?—Yes.

725. Mr. Baron *Martin*.] Had you been apprenticed to a freeman?—Yes.

726. Mr. Serjeant *Sargood*.] Do you know what his politics were?—He was a Tory.

727. When you were out of your time did he introduce you to Mr. Wreghitt?—Yes.

728. How much did it cost to take up your freedom?—£. 2. 9 s.

729. Who found the money?—Mr. Wreghitt gave me the money.

730. How much did he give you?—£. 2. 10 s.

731. Did he say anything to you about voting?—No.

732. Or anything about the party?—No; he just asked me my name.

733. But who took you?—Mr. Relph took me himself.

734. Tell us what was said to Wreghitt when Mr. Relph introduced you; what did he say about you?—He went into Mr. Wreghitt himself, and had a conversation before I went in.

735. Privately?—Yes.

736. Leaving you in another room?—I stood outside.

737. Had Mr. Relph said anything to you before he took you in to Wreghitt, as to what you were to do?—I cannot say that he had.

738. Excuse me if I tell you that I think you can say.

Mr. Baron *Martin*.] My impression is that this will not do; bribery to affect the seat must be at the election, in my judgment, by the member himself or his agents; bribery, treating, or undue influence at such election.

Mr. *Giffard*.] I understand that your Lordship has ruled so.

Mr. Baron *Martin*.] I have not ruled that; I have avoided ruling it, as it was not necessary for the purpose; I think it is a very arguable question, but that is my impression, as I told Mr. Giffard upon last Saturday.

Mr. Serjeant *Sargood*.] In the authority that we all consult with advantage, that is Rogers, I find on page 323, in the last edition but one, "payments for admission of freemen, and of rates for the purpose of enabling a voter to be registered, which have always been regarded with suspicion, will now be strictly within the Statute, and subject both the payer and him for whom the payment is made, to the penalties thereof."

Mr. Baron *Martin*.] My impression strongly is, that that which vacates the seat is the operation of the 17th and 18th Vict. c. 102, coupled with the 46th section of the 31st and 32nd of Vict. c. 125. The enactment

in the 17th and 18th of Vict. is, that the candidate is to be by himself, or his agents, guilty of bribery, treating, or undue influence at such election; I think that it would be impossible to carry that back to 1867, when an immediate election was not in contemplation; of course it possibly might do so, because it might possibly be in contemplation of the election; but I think for the purpose of affecting the seat, that this payment in 1867 would not affect that object; that is my strong impression. What is the section which makes payment for admission of freedom a misdemeanour?

Mr. Serjeant *Sargood*.] The 17th and 18th of Vict. section 2, my Lord; the words are very open to that construction.

Mr. Baron *Martin*.] I do not at all say that it is not; but my impression, as I stated last Saturday, is that it is so; but it is not necessary that I should decide it.

Mr. Serjeant *Sargood*.] It provides that every person who shall, directly or indirectly, by himself or others, give or lend any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter.

Mr. Baron *Martin*.] Now the 17th and 18th of Vict. chapter 102.

Mr. Serjeant *Sargood*.] That has a most clear meaning, without any date, as to whether it was at the election.

Mr. *Giffard*.] At any election.

Mr. Baron *Martin*.] It would be the operation of the third statute with the other two that will make the offence; I am now speaking of the offence which destroys the status of the candidate, and makes his candidature null and void, after the act has been done; that is the Act I am thinking of; but I want to know what is the Act, with regard to the payment of a fee upon the admission of a freeman, which forbids it.

Mr. Serjeant *Sargood*.] I do not think that it is forbidden in express terms.

Mr. Baron *Martin*.] Payments of a fee for the admission of freemen, have always been regarded as not strictly within the statute, which is the statement in this book, at page 323.

Mr. Serjeant *Sargood*.] I do not think that it is intended to state the payment to a freeman in terms.

Mr. Baron *Martin*.] It says, "Payments for admission of freemen, and of rates, for the purpose of enabling a voter to be registered, which have always been regarded with suspicion;" then it states the "Wor-

J. Dickson.

J. Dickson.

9 March
1869.

cester case, and the dictum of Baron Alderson in *Baynton v. Cattle*, which must have been about the year 1831, for I recollect I was in the cause; 'and by Lord Denman, in another cause,' will now be strictly within the statute."

Mr. *Giffard*.] I rather think that the writer is referring to that part which relates to the payment of rates.

Mr. Baron *Martin*.] I suppose so; is there any analogous Act of Parliament with respect to freemen, the payment of rates,

and so on; that is the thing we had the other day. There is a section with respect to the payment of rates; there is nothing with respect to payment for the admission of freemen.

Mr. Serjeant *Sargood*.] No, there is not, my Lord; certainly there is nothing specific as to the payment of freemen's money in the statute in terms; there is no doubt about that.

[The Witness withdrew.

JAMES HUTTON, sworn; Examined by Mr. *Waddy*.

J. Hutton.

739. ARE you a freeman of this borough?—Yes.

740. And were you of age, or did you take up your freedom before the 6th of February 1865?—Yes, it was on the 6th of February I took it up.

741. Mr. Baron *Martin*.] What is your age now?—Twenty-five.

742. Mr. *Waddy*.] Did you see Mr. Botterill Lowther on the subject?—Yes.

743. When was it you saw Mr. Botterill Lowther?—Some time in the latter end of January 1865.

744. First of all, tell us exactly what took place between you?—He called on me one night as I was going up town, and he asked me if I had taken my freedom up; I said "No;" he said he would see it taken up for me; he would go to Mr. Wreghitt, he would take it up for me. I said "Very well," I would go with him to Mr. Wreghitt; but he said "You had better go yourself first," and I went and seed him a week after. Lowther said he had made it all right.

745. Did he say with whom?—Mr. Wreghitt.

746. When he said he had made it all right, did he say anything about what you would have to do?—He asked me if I was their party, and I said "yes."

747. Mr. Baron *Martin*.] Did Lowther ask you this?—Yes.

748. Mr. *Waddy*.] After that, did you see Mr. Wreghitt, and speak to him about it?—Yes.

749. You met him, I believe, in the street?—Yes.

750. Did he tell you to go with him to his shop?—Yes.

751. And did you go?—Yes.

752. When you got inside the shop, what did he say to you; did he tell you what they would expect you to do?—He said they expected I should support the Conservative party.

753. When he said he expected you to support the Conservative party, did he mention anybody's name?—No.

754. Did he then give you any money?—Yes.

755. How much?—Ten shillings.

756. Was yours a birth freedom?—Yes.

757. Do you remember the last municipal election?—Yes.

758. At nine o'clock in the morning, did you see Mr. Skinn?—Yes.

759. What took place between you and Mr. Skinn?—I went in the crowd, and he asked me if I would vote; I said "No," I thought I should not vote that way.

760. What way?—The Conservatives; and he said he would give me 10 s.

761. Mr. Baron *Martin*.] For your vote?—Yes.

762. Mr. *Waddy*.] Did you get the 10 s.?—No.

763. What happened upon that?—I said no, I would not go that way; he said well, if you mean going the other way, if they can give 10 s., we can give 1 l.

764. I do not know whether you did vote or not?—No, I had not voted then.

765. Did you vote at all?—Yes, I did vote; but not that way.

Cross-examined by Mr. Serjeant *Ballantine*.

766. Let me see if I quite understand you; you got your freedom taken up for you?—Yes.

767. Upon the promise to vote Conservative; is that what I understand?—Mr. Wreghitt said as he expected I should vote for the Conservatives.

768. Did you accept that proposition, and did you get your freedom taken up?—Yes, I did get my freedom taken up.

769. And then you voted the other way?—Yes.

770. And, after having voted the other way, you went and told the opponents to the people who had taken up your freedom, this story about Skinn's offering you 10 s.?—No, he offered me 10 s. the last municipal election.

[The Witness withdrew.

JOHN DUFFILL, sworn; Examined by Mr. Serjeant *Sargood*.

J. Duffill.

771. WHAT are you?—A Shoemaker.

772. Did you at any time apply to Mr. Wreghitt about taking up your son's freedom?—At one time.

773. When was that?—I cannot tell the day of the month, I am sure.

774. Can you tell me the year?—Last year.

775. What did you ask him?—If he would take my son's freedom up; if he would be at the expense.

776. Did he do it?—No.

777. Did he refuse?—Yes.

778. Did

778. Did he tell you why he refused; you need not be ashamed?—I have no occasion to be ashamed; he said he durst not do it.

779. Did he tell you why?—Well, he did not say any more. He said he durst not do it.

780. What politics are you, may I ask?—Politics?

781. Have you any politics?—No, not at all; but I will tell you my reason for asking him; I asked him if he would take up the freedom of my

son, just simply because the lad wanted his freedom taken up. I went in and applied to him, and he said, "No; because you ought to apply to your own party."

782. You were a Liberal then?—I was.

783. And your son is a young man?—Yes, a young man; and he took his own freedom, and paid for it himself.

[The Witness withdrew.

THOMAS WATSON WILSON, sworn; Examined by Mr. Waddy.

784. ARE you a freeman by apprenticeship?—Yes.

785. When were you admitted; was it in July 1865?—Yes.

786. How did you get your freedom; where did you get the money from for your freedom?—From my uncle.

787. Who is he?—William Watson.

788. Do you know where he got it from?—No.

789. Did you see Mr. Wreghitt at all?—No.

790. Mr. Baron *Martin*.] Was William Watson your master?—Yes.

791. Mr. *Waddy*.] Which way did you vote at the last election?—For Sir Henry Edwards and Captain Kennard.

792. What was it that induced you to do so?—Nothing.

[The Witness withdrew.

THOMAS DUFFILL, sworn; Examined by Mr. Serjeant Sargood.

MR. SERJEANT *Ballantine*.] THIS man's name is not in the particulars.

MR. Baron *Martin*.] I do not know what he is going to prove.

MR. Serjeant *Sargood*.] He and some half-a-dozen, who are in the particulars, are prepared to be called and depose to a certain state of facts which happened at the municipal election; I do not press Duffill's case as a case of individual bribery; but I call him to give general evidence of that day to corroborate others; but, as he is the first on the list, I take him because the proofs are prepared in that way, and it is convenient.

MR. Baron *Martin*.] Yes, you can do that.

793. Mr. Serjeant *Sargood* (to the Witness).] Are you employed at Grove Hill Works?—Yes.

794. They are colour works, I believe?—No, manure works.

795. They are called "Grove Hill Manure Works," are they?—Yes.

796. Are a great many men employed there?—Yes.

797. Do you remember the municipal election, which happened on the 2nd of November last year?—Yes.

798. Did you, on that morning, see a person named Robert Knaggs Wallis?—Yes.

799. Is he a person carrying on the business of a cooper in this town?—Yes.

800. Did he come to the works, or did you go to him?—He came to the works.

801. Did you and some others go outside to see him?—Yes.

802. Had you known him before?—Yes, worked with him.

803. What had he to do with the election; do you know?—He came to get votes.

804. Canvassing?—Yes.

805. Did he make any communication to you

about money?—He said he would get us 10 s. each. I was to see him at dinner-time.

806. This was in the morning?

MR. Serjeant *Ballantine*.] I must take objection formally, and ask your Lordship to consider it. This person is not mentioned, as your Lordship has already heard. I take it for granted that the only value of this evidence is to show that a bribe was given.

MR. Baron *Martin*.] As I understand, Mr. Serjeant Sargood is going to prove the bribes given to others that are contained in the particulars. If this case was to govern the whole concern, and the election depended upon it, inasmuch as this man's name is not in the particulars, a bribe given to him, assuming that there was one, could not affect it; but he is perfectly competent to be a witness to prove a bribe given to others, or, indeed, a bribe given to himself; but it could not affect the seat if it depended upon him alone. As I understand, Mr. Serjeant Sargood intends to prove that this man accompanied some others whose names are there, and he, in company with them, received a bribe.

MR. Serjeant *Ballantine*.] Will my learned friend give us the names?

MR. Baron *Martin*.] The particular is not to limit the witnesses who are called, but merely to limit the acts which are relied upon, for the purpose of unseating the Member.

807. Mr. Serjeant *Sargood* (to the Witness).]—Did he at that time say anything to you about any elections; if so, what?—He said there would be nothing got at the borough election.

808. Did he say anything about what they were doing on that particular day, or endeavouring to do?—He did not say particularly; something about vote.

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809. Tell

J. Duffill.

9 March
1869.

*T. W.
Wilson.*

T. Duffill.

T. Duffill.
 9 March
 1869.

809. Tell us what he said about the election?
 —They would get money for that day, and they would not get anything at the borough election.

810. Between one and two o'clock, did you and some of your fellow-workmen leave to go and vote?—Yes.

811. Tell me who went with you?—Robert Hambleton and Spence Collinson.

812. Did you meet a person named William Vernom as you were going?—No; he came to us.

813. Where?—In the square.

814. The square near to the polling place?—Yes.

815. What did he say to you?—He asked us whether we had voted; we said, "No." He said, "Will you go with me; I will get you 15 s. a-piece."

816. Mr. Serjeant *Ballantine*.] Who said that?—William Vernom.

817. Mr. Serjeant *Sargood*.] Did he tell you how the poll stood at the time?—He said they was between 200 and 300 ahead, and he said the Liberals had done.

818. And he said they would give you 15 s. each?—Yes.

819. Did you say anything to him about that, seeing that the Liberals had done?—I was rather dubious that we should get 15 s. at first, because I did not think they would give 15 s. when they was so many ahead.

820. Did you say anything to Vernom about that, as to what it meant?—He said he was going to carry both events on that day, and he was a runner. I asked him if he was a runner, and he said yes.

821. Did he run anywhere with you and Collinson?—Yes.

822. Where did he take you?—To the "Golden Ball," to get 15 s.

823. Mr. Baron *Martin*.] Was that a public-house?—Yes.

824. Mr. Serjeant *Sargood*.] Did you meet anyone as you were going down there?—Yes, George Walker, and he went with us.

825. Was Walker a voter?—Yes.

826. Is he one of your workmen?—Yes.

827. Then, there were four of you; you and Hambleton, and Collinson, and Walker?—Yes.

828. Did you go upstairs at the "Golden Ball"?—Yes, we did.

829. On to the first floor?—Yes, the first landing.

830. Up one flight of stairs?—Yes.

831. Did you go into a room there?—I went in, but I was ordered back; I was told to stop back while there was some other men got paid.

832. Having waited while the other men were served, you got into the room?—Yes.

833. Whom did you see there?—There was Mr. Lowther, John Stothard, and William Watson.

834. That is the painter?—Yes, and Watson, the auctioneer, who was paying the money.

835. Was there a table in the room?—Yes, and Watson was sit down at it, and he had a bag of money on the table and a book.

836. Who introduced you to Watson, to show that you were right?—John Stothard was in; there was a lot more upon the stairs waiting for their turns to get paid. I got in as soon as I could.

837. Mr. Baron *Martin*.] About how many would there be?—About a dozen, I should say.

838. Mr. Serjeant *Sargood*.] Your lot of four waited till some of the others came out?—Yes, I got in as soon as I could. I thought the tap would be stopped, when they said there was so many.

839. Did Mr. Watson, the auctioneer, hand out any money?—He gave a man of the name of Thomas Hazelhurst 3l. for the four of us; that was Thomas Hambleton, me, and Spence Collinson.

840. Was Hambleton one?—No, Hambleton did not go in with us; it was Hazelhurst, myself, Spence Collinson, and George Walker.

841. Hazelhurst was a voter, then?—Yes.

842. Did he divide the money, giving you 15 s. each?—Yes.

843. And did you then leave the room with your money?—Yes.

844. Where did you go next?—I came into the street.

845. What did you do?—I went and had a look about, and then went and stood in the square again.

846. What became of your votes; that is what I want to know—the municipal votes?—We had to go and vote before we got the money.

847. You had voted before you got the money?—They looked after it, you know.

848. I assume there would be no loss if you had not?—No.

849. Who went with you to vote, to see if it was all right?—Vernom went with the lot of us, you know.

850. Did he come back with you to introduce you to what you call the top?—Yes, but we got in afore this, you know.

851. Having looked about, did you afterwards meet Vernom again?—He came to us, and he says, "Now," he says, "you see this, you would not believe me that I could get you 15 s. each; now, if you will see me on the borough election day morning I will get you some more."

852. Mr. Serjeant *Ballantine*.] Who said this?—William Vernom did.

853. Mr. Serjeant *Sargood*.] Did you see him on the morning of the Parliamentary election?—I did see him; he was coming down to Grove Hill on the election day morning.

854. Was anybody with him?—Robert Wallis was with him.

855. Is that the same Wallis that you saw on the municipal day?—Yes.

856. What did they come to Grove Hill about?—They came to get votes.

857. Did they tell you so; did Vernom speak to you about it?—He did not to me; but he spoke to a man who was with me, and he will come and speak for himself.

858. What is his name?—John Atkinson.

859. What did you hear him say to John Atkinson?—He will say himself; I did not hear anything.

860. Did he say anything to you?—No.

861. Did you tell him whom you meant to vote for?—No, I did not speak to him then, because I was talking to Robert Wallis, he was talking to this Atkinson.

862. What did you and Wallis say together?—Wallis said it was no use asking me for my vote, for he knew how I should vote, he knew that I was a Liberal.

863. You meant to vote against him, then?—Yes, assuredly I did.

864. Did you go up that day and vote?—Yes.

865. For whom?—For Maxwell and Trollope.

866. Do

866. Do you know Clowes's house?—Yes.

867. Whereabouts is it?—It is in the market.

868. Did you go in there at all?—Yes.

869. Was that on the Parliamentary election day?—Yes.

870. That is the Conservative principal committee-room, I believe?—I do not know; they said it was a mill when I went in.

871. But it was a committee-room?—I do not know, they said so; I do not know.

872. Was anything then up?—I did not see anything.

873. This is the same T. Clowes, I suppose, who is down in the list of expenses under the head of Committee-rooms: "T. Clowes, Four Guineas"?—Yes.

874. Was it a committee-room of the Conservatives?—I do not know.

875. If you went in, tell us what you saw there and whom?—On the first-floor I saw Mr. Cousins and Mr. Barkwith.

876. Did you see anybody else?—I saw two or three men upon the landing; Thomas McCoy I saw for one, and Robert Wallis and Newstead.

877. Going up or coming down?—They was with the other messengers, they was stood upon the landing.

878. You got into the wrong place; you did not stop there long, I believe?—No, I did not stop there long, there was another room.

Cross-examined by Mr. Serjeant *Ballantine*.

879. You voted for Lowther?—Yes.

880. You received 15 s., did you?—Yes, I did.

881. Tell us what it was for?—It was for voting for him.

882. For voting for whom?—For the Conservatives, I expect.

883. You think that you took it to vote for the Conservatives?—I am sure I did; I voted for them for it.

884. At the municipal election?—Yes, to be sure I did.

885. Do you consider that you fairly earned that money?—I consider I did if I had got twice as much.

886. You did all that was expected of you?—For that day.

887. Did you do all that you considered was expected of you, I ask?—For that day.

888. Was anything more expected of you?—Yes, I think there was.

889. Did you take the 15 s. for anything more?—Yes, I think you would if you had the offer.

890. Answer my question decently; did you or not take the 15 s. for anything besides your vote at the municipal election?—He said he would get us some more.

891. Did you or did you not take it upon those terms?—I voted for them for the 15 s. at the municipal election.

892. Was that all they expected of you, as far as you know?—No, I expect they expected more, else they would not have given me that.

893. When you took the 15 s., did you understand them to expect that you would vote for the general election for that 15 s.?—Yes, I expect they did.

894. Then you took it intending to deceive them, did you?—No, I did not take it with an intent to deceive them, but I went to hear the Members speak, and I thought I was convinced in my mind that I should vote the other way.

895. You heard both sides speak?—Yes.

[The Witness withdrew.]

SPENCE COLLINSON, sworn; Examined by Mr. *Waddy*.

896. ARE you employed at the Grove Hill Works?—Yes.

897. Do you remember the morning of the municipal election?—Yes.

898. Do you remember a person called Wallis coming to the Grove Hill Works?—Yes, I remember seeing him there.

899. What brought him there?—He came to canvass, I believe.

900. What did he say in the course of his canvassing?—I did not see him till he was just going away.

901. Did you hear him say anything?—Just when he was going away he asked me what I thought about supporting them, and I told him that I would see him when I got to the town.

902. Mr. Baron *Martin*.] Was this at the municipal election?—Yes.

903. Mr. *Waddy*.] What else did he say to you?—Nothing; no more to me.

904. Was anything said about money at all?—He never named any money to me.

905. Did you hear him say it to other people?—No, I did not; I was in another department, and I just went away again.

906. Did you go to the poll that day, between one and two o'clock?—Yes, I did.

907. When you started, were you intending, in the first instance, to vote for the Liberals, or the Tories?—I believe I promised Mr. Lowther; I had promised the Conservatives.

908. After that, when you went to vote, what took place as you were going?—I went on to the town; I stood in the square along with the rest, and William Vernom came to us.

909. You say along with the rest; was Thomas Duffill with you?—Yes.

910. And Robert Hambleton?—Yes.

911. Tell us exactly what took place?—William Vernom came to us, and asked us if we had voted, and, I believe, he was directing his conversation to Duffill; he said had we voted, and we said "No;" he said, if we would go with him he would get us 15 s. a-piece.

912. Was anything said about the Liberals retiring?—Yes, they said the Liberals was retiring, and their party was between 200 and 300 ahead; those was the words, or, perhaps, it was 300.

913. Did he say anything about why the poll was kept open?—I think he said something about going in for the two events, or something in that way.

914. Do you remember that Duffill asked him what the poll was being kept open for?—Yes, he asked what is the poll being kept open for, and he said for two events, or something in that way; I cannot exactly name the words.

915. Did Vernom invite you to go anywhere?—Yes, to the "Golden Ball."

916. Why were you to go to the "Golden Ball"?—To get our money

917. Did he say how much?—15 s. a-piece.

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918. Did

T. Duffill.

9 March
1869.

S. Collinson.

S. Collinson.

9 March
1869.

918. Did Hambleton go away with him?—I did not see which way Hambleton went, but me and Duffill, and Thomas Hazelhurst, and George Walker went there.

919. When you got to the "Golden Ball" did you go to the top of the stairs?—Yes.

920. Who did you see there?—Mr. Lowther, I believe, came past us to go into the room while we was standing upon the stairs waiting to go in.

921. Did you hear Mr. Lowther say anything to Duffill?—He said, "I am surprised to see you here, Duffill," or something in that way.

922. Did Mr. Lowther go into the room?—Yes.

923. And did you offer to follow him in?—Yes.

924. Did Mr. Lowther prevent you?—Yes, he said we was to keep back.

925. What were you to keep back for then?—Till some more came out of the room.

926. Is that what Mr. Lowther said?—Yes, I think Mr. Lowther said so, or someone said keep back, while others get down.

927. Do you know who it was said so?—I cannot distinctly say.

928. You waited; did some other persons come out of the room?—Yes.

929. How many?—I cannot say.

930. Two or 20?—Perhaps two or three; I cannot say how many.

931. When those other people came out of the room did you go in?—Yes.

932. When you got into the room whom did you see in the room?—I saw Mr. Watson, the auctioneer, sat at the table.

933. Was Watson, the painter, there also?—Yes.

934. And Lowther?—Yes.

935. And Stothard?—Yes.

936. You said that Watson was sat at the table; had he anything before him?—He had a bag with some gold in it.

937. Did you see whether he had a book before him?—Yes.

938. When you got into the room did Vernom go with you?—No.

939. Who spoke for you?—I cannot say who spoke for us.

940. Did Watson, the auctioneer, do anything with the book?—He took our names down.

941. When he had taken your names down, what did he do to the gold?—He gave Thomas Hazelhurst 3 *l.* for the four of us.

942. After this did you go down into the street again?—Yes.

943. And did you meet Vernom again?—We were stood in the square, me and Duffill and Robert Hambleton and Thomas Atkinson together, and Vernom came to us.

944. Mr. Baron *Martin*.] Atkinson had joined you?—Yes.

945. Mr. *Waddy*.] Just tell us what took place then?—Vernom said that we disputed whether he could get us this money, and we would not believe him; and he says come to me on the election morning, and, if we give more, I will get it you, or something of that.

946. You had voted for the municipal election before this, I believe?—I voted after I got it.

947. What time in the day was it when Vernom said this to you?—I believe it was somewhere about two o'clock, as near as I can tell.

948. Was anything said by Vernom about his own canvassing?—Duffill asked him if he was a runner, and he said he was.

949. What else did he say?—I did not hear him say any more about it.

950. Did you hear anything said about the Orange party?—He said there was no chance for the Orange party, or something to that effect.

951. Did Edwards and Kennard come to canvass at your works?—Yes.

952. Do you remember who accompanied them?—I do not know all that was there.

953. Tell me a couple?—I believe I can remember Mr. Arden and Mr. Cleaver.

954. Was Mr. Wreghitt there?—Yes, Mr. Wreghitt was there.

Cross-examined by Mr. *Giffard*.

955. What time of the day was it that you had this conversation, in which Vernom said he would get you 15 *s.*?—It would be betwixt one and two o'clock, I think.

956. At that time, as I understand, you had not voted?—No.

957. Did you vote before or after you went to the "Golden Ball"?—After.

958. What time was that?—As near as I can tell, it would be about two o'clock.

959. What was said about the double event; just repeat the words; tell me who spoke, and what the words were?—Vernom said that they was going in for the two events, or something of that.

960. What did he say; just give us his words?—Duffill asked him why they was keeping the poll open when they was so far ahead, and he said they was going on for the two events; it was for the two events, or something of that, as near as I can tell.

961. You heard the words yourself?—Yes, we was all stood together.

962. Did you hear the words yourself, or are you speaking of what Duffill told you?—No, Vernom was speaking to Duffill, and I was stood by him.

963. Did you hear what you have told us with your own ears?—Yes; I heard Vernom say what he said; I heard him say it to Duffill; he was directing his discourse to Duffill.

964. Just give me the exact words?—I heard Duffill ask him why they was keeping the poll open, or something of that, and he said they was going in for the two events.

965. Do you mean that Duffill said, "Why are you keeping the poll open"?—Yes, something to that effect, as near as I can tell.

966. Do you mean that those words were used of the poll being kept open?—Yes, something to that effect, as near as I can tell.

967. The word poll was used?—Yes.

968. And it being kept open was used?—Yes, I think it was.

969. Will you swear it was?—Yes, as far as I can think on, that is what he said. Duffill asked him why they was keeping the poll open, or something to that effect.

970. Now, give me the answer again; what words did Duffill echo back?—Vernom said it was for the two events, or something of that.

971. It is somewhat important. I want to get the words, if you can remember them?—I think this is as near as I can remember the words.

972. That was all he said; it was for the two events?—Yes.

973. Is that all you can tell us?—Yes.

974. How

974. How did you vote at the election for Members of Parliament?—I voted for Mr. Maxwell and Mr. Trollope.

976. Did you get your dinner before you went on this mission?—Yes. *S. Collinson.*

9 March
1869.

Re-examined by Mr. Serjeant *Sargood*.

[The Witness withdrew.]

975. It is about one o'clock that you leave your works to go to dinner, is it?—Twelve.

ROBERT HAMBLETON, sworn; Examined by Mr. Serjeant *Sargood*.

977. ARE you in the employ of the Grove Hill Works?—Yes.

978. Do you remember the municipal election for the Town Council last year?—Yes.

979. Did you and Duffill and Collinson go round together and give your votes?—Yes, we went one lane together; but we was not together all the time in the town.

980. Do you remember meeting Mr. Vernom?—Yes.

981. Whereabouts was that?—In the square.

982. That is close to the polling place?—Yes.

983. What did he say to you?—He asked us for our votes.

984. Who for?—Usher and Lowther, I think; I forget their names.

985. For that party?—Yes.

986. What did you say to that?—I told him I did not know what we should do just then.

987. Did he say anything about the Liberals then?—Yes, he said they had no chance, and he begged on us to go and vote.

988. Vote for the Conservatives?—Yes.

989. Did he tell you how the poll stood?—Yes, about 300 ahead.

990. That is, the Conservatives were 300 ahead?—Yes.

991. Did he say why they wanted your votes, if that was so?—No, he did not say why they wanted them.

992. But he asked you for them?—Yes.

993. Was anything said about money?—Yes; he said if we would go and vote for him he would get us 15 s. each.

994. What did you say to that?—We did not go then. Me and the party that was with me went away, and he came to us again, and then we went and voted.

995. Did he go with you to see that you voted?—Yes.

996. Mr. Baron *Martin*.] Who were the party?—William Weldrick was one and John Rawson was another that went with me to vote.

997. He came to you again, you say?—Yes.

998. What happened then?—We went to vote then with him.

999. Mr. Serjeant *Sargood*.] Did he go up to the poll to see you vote?—Yes.

1000. You had not then got your money, I suppose?—No.

1001. After voting what did he do with you?—He took us to the "Golden Ball."

1002. All three of you?—Yes.

1003. Did you go upstairs?—Yes.

1004. Whom did you see there?—Mr. Lowther; I do not think I knowed anyone else, but my own party that was with me, but him.

1005. Was there a table, and anyone sitting?—Yes.

1006. Who were sitting there, do you know?—I do not know them, I am sure.

1007. Did you hear anybody say who it was?—I heard after.

90.

1008. What did you hear?—I heard them call him Watson after.

1009. Had he anything on the table?—Yes, a bag with some gold in it.

1010. Did Vernom say anything when he took you in?—He took us up to the table, and told the man he had brought us for what we bargained for, the 15 s.; he told the man that we had been polling, and we wanted 15 s. a piece.

1011. What happened then?—He gave it to Weldrick.

1012. The man at the table did?—Yes; 1 l. 10 s. for me and him.

1013. Did you get your 15 s. out of it?—Yes.

1014. And Weldrick kept his own, I suppose?—Yes.

1015. Did Vernom tell you why they were keeping the poll open, as they had won the election, you say; did he say anything to you about it?—I was there when Duffill asked him why they were keeping the poll open, and he said they were keeping it open for the two events; I was there with them then after we came out of the "Golden Ball," in the square.

1016. You heard him say that they were keeping it open for the two events?—Yes.

1017. Did you see Vernom after you had received your money and got out again into the street?—Yes, he came to us all when we were talking in the street, in the square.

1018. What did he say to you?—He came up, and he said, "You disputed me about the money;" that was the 15 s.; and he said, "If you see me on the morning of the general election I will get you some more then."

1019. Did he say how much?—No.

1020. You voted for the Liberals at the general election?—Yes, for Mr. Maxwell and Mr. Trollope.

1021. Did you see Vernom that morning?—No.

1022. And you did not get anything else?—No, not a penny.

Cross-examined by Mr. *Giffard*.

1023. This observation about keeping the poll open and the double event, was it before or after you had got your money at the "Golden Ball"?—I think it was before.

1024. I thought you said just now that it was after you had come from the "Golden Ball"?—I think it was when we first met him when he promised us the money, that Duffill asked him that question about keeping the poll open.

1025. Did you not say to my learned friend that it was after coming from the "Golden Ball"?—I think it was when we first met that Duffill asked him.

1026. Did not you tell my learned friend just now that it was after coming from the "Golden Ball;" it only happened a minute or two ago, you know; did you say so within the last two

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Hambleton.
—
9 March
1869.

or three minutes?—I think it was when we first met that Duffill asked him why they were keeping the poll open, as they were 300 a head.

1027. That happened, you say, last November?—Yes.

1028. I am asking what you said within the last five minutes; I find I am right about it; you did say so; you are quite sure you are right

now; which was it; before or after you had been at the "Golden Ball"?—(No answer.)

1029. Mr. Baron *Martin*.] Was it before you voted or after you voted?—I think it was before.

1030. Mr. *Giffard*.] You say you think so; will you swear it?—No, I will not swear it.

[The Witness withdrew.

JAMES ATKINSON, sworn; Examined by Mr. *Waddy*.

J. Atkinson.

1031. WERE you a voter at the last election?—Yes.

1032. Are you employed at the Grove Hill Works?—Yes.

1033. Did you vote at the Parliamentary election?—Yes.

1034. For whom?—For Mr. Maxwell and Mr. Trollope.

1035. Did you vote at the municipal election?—Yes.

1036. About what time in the day?—I should think it would be some time betwixt one and two; near upon two, I should think.

1037. Did you go to the poll with a man of the name of Matthew Walker?—Yes.

1038. When you got to the square, did you see Mr. Wallis?—Yes.

1039. Mr. Robert Knaggs Wallis?—Yes.

1040. Just tell me all that took place between Mr. Wallis and you two men?—I went up to him, and I says, "Now, Mr. Wallis;" he says, "Now, Jim."

1041. After that introduction, what took place?—I says, "We have comed," and he says, "Well, go and get voted, then." Well, we goes and gets voted.

1042. Before you went and got voted, did he give you any reason for voting?—No.

1043. Was anything offered to you?—No, it was not.

1044. Did you go to the "Golden Ball" with him?—No, not at inside; not afore we voted; we did not go nowhere with him.

1045. But after you voted did you go to the "Golden Ball"?—On the side on it.

1046. Into a passage; is there a passage there?—We did not go in; I believe Mr. Wallis was just at inside, but I was never in; I do not think I was off the flags.

1047. When you got to the "Golden Ball" did you get anything more?—He put his hand into his pocket something like this (*describing the same*), and says, "Here is your money;" that is all.

1048. And what was your money?—Fifteen shillings each.

1049. Before he gave you that money, did you know that you were going to get 15 s.?—I expected I was; I heard them tell that they was giving 15 s. a man, and I heard Vernom offering several of them 15 s.; but I had promised them when they came round canvassing, so I never looked out for it; I never axed nobody what they was going to give me.

1050. You did take it, I think?—Yes.

1051. After that did you see Vernom?—Yes.

1052. Did he say anything to you?—Yes.

1053. Just tell us what Vernom said?—He

says, "Have you polled?" and I says "Yes;" he says, "Come on and get your money."

1054. Before that, I mean?—That was next.

1055. Was anything said about 300 ahead?—That was next; he says, "Come and get your money;" I says "What is there?" he says "There is 15 s. a man," and I says, "Oh, is there;" he says, "Yes," he says "Come on and I will get you it;" "No," I says, "I have gotten it," I says; "I do not want to be a rogue, I do not want it again."

1056. Mr. Baron *Martin*.] You did not want to take it twice over?—No, I wanted to have a straight game; if I had gotten it again I should have been condemned.

1057. Mr. *Waddy*.] Having done nothing but what was right, just tell us the rest of the conversation?—He says, "Now as you have come up and voted for our side, if you will meet me on the borough election in the morning in good time, I will get you 4 l. if you will vote for the Tory parties."

1058. Was that the whole of the conversation which took place at that time?—I said I would not promise nobody while the time was come on; I did not know what I might do.

1059. Was that the whole of the conversation which took place at that time?—I think it was, merely to me.

1060. Did you hear before this time anything about 300 ahead?—Yes, he said that there was 300 ahead.

1061. When?—After he said he would get me 4 l.; there was Duffill and Hazlehurst and Col-linson "came along," and he says to me, "We have them now, we are 300 ahead; and if there be any more given I will get you it at the borough election day."

1062. On the night of the municipal election day did you see Mr. Wallis?—Yes, municipally.

1063. What took place between you and Mr. Wallis then?—Nothing, I think, particular.

1064. Just tell us whether Mr. Wallis said anything to you about voting, and the Grove Hill Works?—No, he did not; all he said was, he said he had gotten 5 s. to stand a drop of allowance for our men, he was coming down next morning to give us it, a sup of ale.

1065. It is a large patent manure manufactory?—Yes, middling.

1066. Was anything said of some voters only getting 10 s.?—Oh, yes; he said there was men that had only gotten 10 s. a piece, I understood him, for voting, but he had the other 5 s. in his pocket for them, so he would make them all alike.

1067. Did you get the allowance?—No, I did not stay to have none of it.

1068. Do you know whether it was given?—I could not say.

Cross-

Cross-examined by Mr. *Giffard*.

1069. Was the conversation about 300 ahead after you had got your money?—I am sure I could not say exactly whether it was or not.

1070. You have said so already?—I do not think I did.

1071. Were you in court when the last man was examined?—Yes, Robert Hambleton.

1072. Now, take care, did you not tell my learned friend that it was after you had got your money that this conversation took place about 300 ahead?—Yes, I did.

1073. Was that true?—Yes, that is correct, because I remember that when he came to ask me, because he gave me this 4 *l.*, and then I turned to talk to him I was —

1074. Who was present at the time that observation was made?—Thomas Duffill, Spence Collinson, Robert Hambleton and me.

1075. Do you know whether Duffill and Hambleton had got their money at that time?—No, I could not say that they had gotten their money; I do not know, I am sure.

1076. Can you tell me this, whether they came from the direction of the “Golden Ball”?—I cannot say.

1077. When did you see them first after you had been at the “Golden Ball” yourself?—I was talking to a servant man in the middle of the street, and Vernon came up to me and gave me a nudge, and he axed me if I had voted and I told him I had.

1078. Did you see Duffill and Hambleton come up to the place where you saw them?—Yes.

1079. Did they come from the direction of the “Golden Ball,” or from a different direction?—I think it was just from the opposite direction.

1080. Mr. Baron *Martin*.] Where is the “Golden Ball”; is it at the market-place?—It is agin the square.

1081. Mr. *Giffard*.] I think you told us you voted for Trollope and Maxwell?—Yes.

[The Witness withdrew.

JOHN BROOKS, sworn; Examined by Mr. Serjeant *Sargood*.

1082. WHAT are you?—A labourer.

1083. For whom do you work?—I work for different people, anybody; catch jobs.

1084. And do you live or work at Beck-side?—Yes.

1085. That is a district of the town, I think, where the navigation ends?—Yes.

1086. A good many of you work there?—Yes.

1087. Do you remember the municipal election of town councillors?—Yes.

1088. Did you and a number of other men come away from Beck-side up here to vote that day?—Yes.

1089. What time of the day was it, do you remember?—It would be between 9 and 10 when we first come up the street, I dare say.

1090. Did you come up twice?—No, we stopped about the square.

1091. You amused yourself by stopping about the place?—Yes.

1092. Did you go to the rooms where the voting papers were filled up for the Liberals?—Yes.

1093. Do you remember about what o'clock it was in the day?—It would be about 11 o'clock, a bit after 11.

1094. This was in the Minster Ward, I think you were?—Yes.

1095. What did you find going on in the Liberal rooms at 11 o'clock?—We found they had retired; there was no one there to fill the papers up.

1096. How many of your friends were with you at that time, do you remember?—There would be about a dozen of us.

1097. What did you do then when you found the place deserted?—We came into the square in front of Dickinson's shop.

1098. What sort of a shop does Dickinson keep?—A pork shop.

1099. Opposite Dickinson's shop, did you meet with anyone?—Yes.

1100. Did you see somebody come out there?—Yes, a young man came out.

1101. Is that the shop that is used at the time

of elections for business arrangements?—Yes, *J. Brooks*.

1102. You knew that?—Yes.

1103. By the Conservatives?—Yes.

1104. And has been usually so?—Yes.

1105. A young man came out to you, while you and your friends were standing in the street?—Yes.

1106. What did he say?—He asked us if we had voted.

1107. What did you say?—We said “No.”

1108. Thereupon, I suppose, he added something?—He said he would give us 18 *s.* each if we would go and vote.

1109. And what did you say to that?—We said we would not take it then.

1110. Where did you go then?—We then went down to the “Angel Inn,” Mr. Boys's.

1111. Whom did you see next?—We seed Thomas Duffill.

1112. Who is he; they call him in my brief Duffill of High Gate?—Yes.

1113. That is not the Duffill who works at the Manure works?—No.

1114. Another gentleman?—Another Duffill.

1115. Just tell us who the Thomas Duffill is that you saw?—Thomas Duffill in High Gate is a gentleman.

1116. And therefore Conservative; tell me is this gentleman that you speak of a Liberal or a Conservative?—He is a Liberal.

1117. What did he say?—We asked him if he could not give us anything to vote for the Liberals, and he said, “No, the Liberal candidates have retired.”

1118. Did you go back towards Dickinson's shop?—Yes.

1119. Whom did you meet on your way?—William Thompson.

1120. Who is he?—He keeps a marine stores, buys rags and bones, and he is a chimney sweep.

1121. Is he Liberal or Conservative?—I am sure I do not know whether he is Liberal or Conservative.

1122. You met him?—Yes.

1123. What

J. Atkinson.

9 March
1869.

J. Brooks.

9 March
1869.

1123. What did he say to you?—He said “Get on,” he says, “They are giving a sovereign.”

1124. Did you see the young man again who had previously come out of Dickinson’s shop?—Yes, and he came to us again; there was seven of us then; some of them had left us.

1125. What did the young man tell you?—He said they was only giving 17 s. 6d. then; I says, “Cannot you give us 18 s. yet?” he said he would go in to Robert Thirsk and see, he was in Dickinson’s shop.

1126. Who is Robert Thirsk?—He is one of the foundry men; he is employed at the foundry.

1127. One of the foundry foremen?—Yes.

1128. Of The Waggon Company, Limited?—Yes.

1129. Did he thereupon go into Dickinson’s shop for that purpose?—Yes, he did.

1130. Did he come out again?—Yes.

1131. What did he tell you?—He said they would give us 18 s.

1132. Did he say what for?—To vote for the Conservative Members.

1133. Then did you go inside Dickinson’s shop with some of your friends?—Yes, me and the other six.

1134. Just give us their names?—John Wardell, Edward Beattie, James Ellis, John McGinnis, John Folkes, and John Shaw Tomlinson.

1135. You and those six men all went into Dickinson’s?—Yes.

1136. Did you go into a room there?—Not then.

1137. What happened to you when you got inside?—When we got inside we was getting our papers filled up, and Mr. Lowther tapped me on the shoulder and said I had not a vote.

1138. You go into the shop, do you, to get your paper filled up?—Yes; before you go to vote.

1139. Why was it Lowther said you had not got a vote; did he tell you that. What did he say to you; tell us your own story?—He said, “Baxter, you have not got a vote.” I said, “Yes, I have; they do not call me Baxter.”

1140. What do they call you?—John Brooks.

1141. Just go on and tell us your story?—And so he said then that he would only give us 17 s. 6 d. each?

1142. Who said that?—Mr. Lowther; and we agreed to take it. We got our papers filled up, and Mr. Cleaver said he would go to see us vote. We went to the Town-hall with Mr. Cleaver, and when we got there the man Shaw Tomlinson stopped at the door and said he would not go and vote before he got his money.

1143. To whom did he say that?—To Mr. Cleaver. We then went in, the six of us, and we voted.

1144. Tomlinson hung back?—Tomlinson hung back; he did not go with us.

1145. After you had voted, what did Cleaver do with you then?—He brought us back again.

1146. To Dickinson’s shop?—Yes.

1147. Just tell me who is Cleaver?—Mr. Cleaver is a gentleman in the town, and lives in Railway-street.

1148. Mr. Baron *Martin.*] What happened in Dickinson’s shop?—We went through the shop into a room.

1149. Mr. Serjeant *Sargood.*] Whom did you see there?—Martin Lascelles, and other voters.

1150. Whom did you see there besides voters?—Mr. Cleaver went in with us.

1151. Who was there?—I did not know any one else.

1152. Mr. Baron *Martin.*] What happened?—Mr. Cleaver told us to stay there and he would go and fetch the money; he left us there and he came out of the room into the shop, and he came back again, and he says, “You are one of the party I expect, and it does not matter if I pay one of you,” and we said, “No.” So he paid me five sovereigns and two half-crowns for six of us.

1153. That would be 17 s. 6 d. each?—Seventeen and sixpence each for the lot of us.

1154. Did you divide it?—Yes.

1155. Did you see Mr. Lowther that day?—Yes; Mr. Lowther was in the room there when we went to get the papers filled up; he was in the shop when we went to get the papers filled up.

1156. Lowther and Robert Thirsk were in the shop?—Yes; and Mr. Cleaver.

1157. But they took you into the room to pay the money?—Yes.

1158. And Cleaver went and fetched him back to you?—Yes; Cleaver went out into the shop, or he might have gone out into the street for anything I know; but he came back into the room and paid us.

1159. What had become of Mr. Tomlinson in the meantime?—I do not know; I never seed him after we left him at the Town-hall door.

1160. Did Cleaver say anything particular to you, after you came back from voting, before you got to the shop?—Nothing particular; he said the sun was shining brilliantly, and such like; the victory was sure, or something to that effect.

1161. I am told he is a poetical gentleman?—Those may not be the exact words.

1162. Was any explanation given to you why the voting was still kept going on after they had gained it?—I never heard any.

1163. You had voted at the municipal elections before last year, I dare say?—Once.

1164. May I venture to ask whether you received anything on that occasion?—I received 5 s.

1165. Can you explain to me why it was worth 17 s. 6 d. this time?—No, I do not know why it was worth more this time than it was any other.

1166. You do not know; really you mean that?—Yes.

Cross-examined by Mr. *Giffard.*

1167. Tell me, how did you vote at the borough election; I observe that my learned friend did not ask you?—I voted for Messrs. Maxwell and Trollope.

1171. Do you live at the Beck-side?—Yes.

1172. On the municipal election day did you go

[The Witness withdrew.

JOHN WARDELL, sworn; Examined by Mr. *Waddy.*

J. Wardell.

1168. ARE you a municipal voter, and also a Parliamentary voter for this borough?—Yes.

1169. Did you vote both at the municipal and Parliamentary elections last time?—Yes.

1170. How did you vote in the Parliamentary election?—Maxwell and Trollope.

1171. Do you live at the Beck-side?—Yes.

1172. On the municipal election day did you go

go

go from the Beck-side with some other persons into Beverley to vote?—Yes.

1173. When you got into the square did you come opposite to Dickinson's shop?—Yes.

1174. Just tell us exactly what occurred, what you saw and heard when you got opposite Dickinson's shop?—We went up into the square, that is opposite Dickinson's shop, and there was a gentleman came out there, out of Dickinson's shop, and axed us to poll, and we said we should not poll yet, and he said he could give us 18 s. for to poll, and we would not go then, and we went into the square.

1175. A little after that did you see some people come out of the shop?—They kept coming out.

1176. Did you see Mr. Watson come out?—They kept coming in and out there all day.

1177. Did you see Mr. Thompson?—Yes.

1178. Did Mr. Thompson say something to you?—When we was going on the flags he did; but it was after we had polled Mr. Thompson said to us —

1179. Just tell us your own tale; what happened to you?—After we had polled —

1180. Mr. Baron *Martin*.] You said they could not give you more than 18 s.; why would not you take it?—Then we went to the Hall in the square, the Mechanics' Hall, and we went in, and they said they was not paying nothing.

1181. Mr. *Waddy*.] Was that the Liberal committee-room?—Yes, I expect it was; they said we was to go and make the best of ourselves; they said they had plenty of votes; they did not want us.

1182. Mr. Baron *Martin*.] What happened then?—We went back again to Boys's, and it was the same there, and then when we came back again we took 17 s. 6 d. a piece.

1183. Was that the end of it?—Yes; that is all I know about it.

1184. Mr. *Waddy*.] After you had been away did you come back again to Dickinson's shop?—Yes.

1185. When you came back again to Dickinson's shop just tell us exactly what took place then?—We took the 17 s. 6 d.

1186. From whom?—I took it from Brooks, my money.

1187. Where did he get it?—He got it from Mr. Cleaver.

1188. Did you see him get it from Mr. Cleaver?—Yes; I was in the room when he paid him.

1189. Where was Cleaver at the time that he gave it to Brooks?—In the room next to the shop; we went through the shop into the room.

1190. Did you hear what was said by Cleaver at the time that he gave this money to Brooks?—No, I never heard him say nothing.

1191. Did you hear anything said?—No; he paid him the money for all six on us, and he divided it when he came out.

1192. Had you voted before that, or did you vote afterwards?—We voted before he paid us.

1193. After you had voted did you see Mr. Thompson?—Yes; he was on the flags off of Dickinson's.

1194. What took place between you and Thompson?—He said, "Get away, my lads; they are giving a sovereign a piece;" accordingly we turned back, and we could not get no more than 17 s. 6 d.

1195. Did you hear Duffill say anything either to Cleaver or to Thompson about the Liberals retiring?—No; I cannot say that I did.

1196. Did you see Robert Thirsk that day?—I am sure I cannot say whether I did or not; I do not think I did; I do not know; I cannot say that I did.

1197. Do you remember after you had voted Mr. Cleaver saying anything?—No; I never seed him after I had voted.

1198. Do you remember anything being said about the sun shining that day?—No, I never heard him say so.

1199. How long have you been a voter at the municipal election?—Twenty years I should think.

1200. Mr. Baron *Martin*.] Are you a freeman?—Yes.

1201. Mr. *Waddy*.] Have you voted frequently?—Yes.

1202. Had you been paid for your vote before this last time?—Yes.

1203. Generally?—Yes.

1204. Always?—I believe always.

1205. Mr. Baron *Martin*.] Do you mean that you have been paid for your vote during the election?—Yes.

1206. Mr. *Waddy*.] What have you got?—Sometimes half-a-crown; sometimes 2 s.

1207. What was the highest you ever got till the last election?—I believe 3 s. 6 d.

Cross-examined by Mr. Serjeant *Ballantine*.

1208. Did both sides use to pay?—Yes, I believe they did.

1209. I suppose the price was kept up on one side according to the price of the other; I suppose it was pretty much that, was not it?—Yes.

1210. I am quite sure that a respectable person like yourself did not see any harm in it?—I have taken all I could get; that is all the harm I did.

Re-examined by Mr. Serjeant *Sargood*.

1211. If it depends upon the state of the market, can you tell why you got 17 s. 6 d. last year, never having had anything like it before?—No, I cannot.

1212. Have you no idea about it?—No, I have no idea about it.

1213. You won the game, you know?—I do not know.

1214. Mr. Serjeant *Ballantine* (through the *Court*).] How much were the other side, the Liberals, giving this last time?—I never heard of anything.

1215. I suppose you did not like to take money from your own party?—I never heard of their giving anything, not the last time.

[The Witness withdrew.

JOHN MCGINNIS, sworn; Examined by Mr. Serjeant *Sargood*.

1216. WHAT are you?—A labourer.

1217. Are you one of the Beck-side labourers?—No; I work out in the country.

1218. Do you remember the municipal election?—Yes.

90.

1219. Were you at about 11 or 12 o'clock in the town here?—Yes. J. McGinnis.

1220. And did you arrive opposite Dickinson's shop like the rest?—Yes.

1221. Do you know what the state of the poll was

J. McGinnis. was about that time?—I heard them saying they was about 200 ahead.

9 March
1869.

1222. The Conservatives were so?—Yes.

1223. Did you see any young man come out from Dickinson's?—Yes.

1224. What did he say to you, if anything?—He asked if we had polled; we said not, and he said he could get us 18 s.

1225. What did you say to that?—We said we would not take it.

1226. You waited to see if it went up any higher; was that it?—Yes.

1227. Did you see William Watson and William Thompson come out?—I met them on the flags.

1228. Were they voters?—Yes.

1229. Did they say anything to you?—Thompson said they had given him a sovereign.

1230. As you said you would wait awhile, did you go away to the "Angel Inn"?—No, we went to the Mechanics' Hall, or Mechanics' Institute.

1231. Did you afterwards come back to the neighbourhood of Dickinson's shop to see what was going on?—We heard that they gave up there, and we came back again.

1232. You heard that the Liberals had given up?—Yes.

1233. Did you see the young man again?—Yes.

1234. What did he say the next time?—We went from there to Dan Boys's.

1235. Never mind where you went; what did he say about the price?—He said he could get us 17 s. 6 d. then.

1236. How much did you ask?—We would like 1 l. if we could get it.

1237. Did he say he would go and speak to anyone about it?—Yes, he said he would go and see somebody; I forget who it was.

1238. Did he go into Dickinson's shop to inquire?—Yes.

1239. What did he say when he came back?—He said he could get us 17 s. 6 d.

1240. Upon that did you and the other men go in?—Yes.

1241. Tell us who went with you?—There was Jack Brooks, Jack Wardell, Beattie, Ellis, and Fox and me.

1242. Was Tomlinson with you then?—Yes.

1243. Did you go into the shop?—Yes.

1244. That is where they make up the voting papers?—Yes.

1245. Who did you see there?—I have seen Mr. Lowther there.

1246. Was Mr. Cleaver there?—Yes.

1247. And Mr. Thirsk?—I do not know him.

1248. Another person, whose name you do not know?—Yes.

1249. Was there anything said about voting by anybody?—Yes.

1250. Tell me what was said?—They said, one of them, that Brookes had no vote.

1251. We have heard about that, but was anything said about when you men were to vote?—No, not that I know of.

1252. Mr. Baron *Martin*.] Did you go and vote?—Yes, we went and voted.

1253. Mr. Serjeant *Sargood*.] Did anybody take care of you?—Mr. Cleaver went with us.

1254. I suppose he brought you back safe?—He brought us back.

1255. Did Mr. Cleaver say anything about your voting?—No.

1256. When he brought you back, what then?—He got us our money.

1257. Where did you go to get it?—We went into the back room, and he brought it to us and gave it to Brooks; 5 l. and two half-crowns.

1258. It was divided amongst you?—Yes.

1259. Did you get your 17 s. 6 d.?—Yes.

1260. Did you see any other voters in the room when you arrived there?—There was some wanted to get in, but they would not let them in till we got paid.

1261. Did you see Sir Henry Edwards and Mr. Kennard when they were canvassing?—No, I never seed 'em; none on 'em.

Cross-examined by Mr. *Giffard*.

1262. You have not told us, but I suppose at the municipal election you voted for the Conservative candidates?—Yes.

1263. How did you vote at the borough election?—For Mr. Maxwell and Mr. Trollope.

[The Witness withdrew.

EDWARD BEATTIE, sworn; Examined by Mr. *Waddy*.

E. Beattie.

1264. Do you live at the Beck-side?—Yes.

1265. And are you a voter both for the municipal and the Parliamentary elections?—Yes.

1266. And did you vote at both?—Yes.

1267. For the municipal election which way did you vote?—For councillors for the municipal election I voted for, I forget their names.

1268. For the Conservatives?—Yes.

1269. And for the Parliamentary election you voted for the Liberals?—Yes.

1270. On the day of the election did you go from Beck-side to the Square to vote?—Yes.

1271. About what time did you get there?—About half-past 10.

1272. Did you go to the Liberal polling place?—Yes.

1273. Did you find that there was nobody there?—There was nobody there to fill our papers.

1274. Did you after that go to Dickinson's shop?—Yes.

1275. And who did you see there?—A young man came out to us there; I do not know who he was.

1276. What took place between the young man and you?—He axed us, had we voted; we said we had not. He said, if we went in with him, he would get us 17 s. 6 d.

1277. Was 17 s. 6 d. what was offered in the first instance?—In the first instance, he said he would give us 18 s.; but when we went in, he said he would only give us 17 s. 6 d.

1278. Did you see Thompson?—Yes; we met him on the flags.

1279. Was that before or after you had voted?—Before we had voted.

1280. Tell us what took place between you and Thompson?—He said we was to be quick, they was giving a sovereign; we was to look sharp, they was giving a sovereign.

1281. What did he say the sovereign was for?—To vote for them.

1282. To

1282. To vote when?—At the municipal election.

1283. Was anything said by Thompson about the other election?—No.

1284. Did you see Thomas Duffill?—Yes.

1285. Mr. Thomas Duffill, I mean?—Yes.

1286. I believe you asked him about some money?—We asked him for our day's wages, and he said he could not give it to us.

1287. After that, did you go back to Dickenson's shop?—Yes.

1288. On your way, did you see anybody?—We had seen that young man again.

1289. And then, what then?—Then we went with him; we wanted 1*l.* from him. He said he would go in and see; and he came out and said he could not give us any more than 17*s.* 6*d.*

1290. Did you get 17*s.* 6*d.*?—Yes; we went in with him and got our papers signed.

1291. Mr. Baron *Martin*.] You went and got your papers signed, and got the 17*s.* 6*d.*?—Yes, from Mr. Cleaver.

1292. Mr. *Waddy*.] Did you see Mr. Robert Thirsk?—Yes.

1293. Where did you see him?—We saw him in Dickenson's shop.

1294. Did you speak to Thirsk, or did he speak to any of you?—No.

1295. You heard no conversation with Mr. Thirsk?—No.

1296. Where was your voting place; was it the Town Hall?—Yes; the Town's Hall.

1297. As you came away from the Town Hall, was Mr. Cleaver with you?—Yes.

1298. Which ward do you belong to?—The Minister Ward.

1299. But both wards, I believe, voted at the Town Hall?—I do not know about that.

1300. Do you remember any fine language of Mr. Cleaver's as you were coming away from the Town Hall?—I heard him saying something about the sun shining, or something, but that is all I could make out about it.

1301. Tell us as nearly as you can what it was?—I cannot say what it was.

1302. Do you remember his mentioning Sir Henry Edwards' name?—He said he thought they would win the day, or something; it looked very prospective, or something.

1303. Did he mention Sir Henry Edwards' name, or did he not?—He said he thought they would gain the day, or something like it.

1304. That who would gain the day?—That Mr. Edwards would gain the day.

1305. I believe you were one of the lot that got your money from Brooks?—Yes.

[The Witness withdrew.

JAMES ELLIS, sworn; Examined by Mr. Serjeant *Sargood*.

1306. WHAT are you by business?—A Chimney Sweeper.

1307. Do you remember the municipal election on the 2nd of November?—Yes.

1308. Did you come into the town between 11 and 12 o'clock?—Yes, it would be about that time, I think, when I got into the town.

1309. Did you come into the town and meet a lot of other men; Brooks, and Beattie, and Wardell, and Fox, and McGinnis?—Yes.

1310. Were you opposite Dickenson's shop?—Yes.

1311. Did you see a young man come out?—Yes.

1312. Did he say what the price was for voting?—Yes.

1313. How much was it?—18*s.* at that time.

1314. Were you all satisfied to take it at that time?—Yes, only we did not take it.

1315. Did you go into the shop?—No, we went away.

1316. Did you afterwards come back again?—Yes, we afterwards came back again.

1317. I think it had gone down to 17*s.* 6*d.*?—Yes, when we seed the young man again.

1318. Did you go into the shop where they filled up the papers?—Yes.

1319. Who did you see there?—I seed Mr. Lowther, Mr. Thirsk and Mr. Cleaver.

1320. Did you know what the state of the poll

was at that time between the Conservatives and the Liberals?—No, I did not know.

1321. I do not mean the number, but which had got the biggest?—The Conservatives were the highest.

1322. Did they say what they wanted with you for the 17*s.* 6*d.*?—I was to vote for them.

1323. Vote where?—For the Conservatives.

1324. Whereabouts; at what election?—The municipal.

1325. Was anything said about anything else?—No.

1326. Did you go in yourself with Mr. Cleaver?—Yes.

1327. And the lot of you?—Yes.

1328. And when you had voted you came back for your money?—Yes, we went to the Town's Hall and voted there, and they took us back again.

1329. How much did you get?—I got 17*s.* 6*d.*

1330. How did you vote at the Parliamentary election?—Mr. Maxwell and Mr. Trollope.

1331. Did anybody canvass you for Sir Henry?—I was not at home when they came round canvassing; I never saw them.

1332. You heard of their calling, but you had not seen them?—Yes, I heard of their calling, but I was not at home, and I never saw them.

[The Witness withdrew.

JOHN TOMLINSON, sworn; Examined by Mr. *Waddy*.

1333. At the municipal election which way did you vote; for the Tories or the Liberals?—For the Tories.

1334. Do you know Mr. William Catterson, junior?—Yes.

1335. Did you get anything from Mr. William Catterson?—Yes.

90.

1336. What did you get?—Half-a-sovereign.

1337. What for?—For voting.

1338. Where were you when you got it?—At the Town's Hall.

1339. When was it that you got it?—About one o'clock.

D 4

1340. On

E. Beattie.

9 March
1869.

J. Ellis.

J. Tomlinson.

J. Tomlinson. 1340. On the day of the municipal election?

—Yes.

9 March
1869.

1341. Before you had voted, or afterwards?—After.

1342. Mr. Baron *Martin*.] Had you previously gone in company with Brooks and the others to the booth?—No.

1343. Mr. *Waddy*.] That was John Shaw Tomlinson, my Lord. (To the *Witness*.) You are John Tomlinson, not John Shaw?—Yes.

1344. Had you previously promised your vote to anybody?—Yes, to Mr. Catterson, Mr. Lowther and Mr. Usher.

1345. For whom did they canvass you?—For themselves.

1346. After the municipal election did you see Mr. Thompson?—What Thompson?

1347. The barber?—I generally uses his shop.

1348. When you were using his shop, had you a conversation with him?—Yes.

1349. Was that when you were in his shop, or not?—Yes, I was in his shop.

1350. What did you say to him?—I do not know; I said that I was not exactly used as the other men was. When Mr. Lowther canvassed me I promised him my vote, and I wished to be used as the other men was; I did not want no more, nor no less; I wanted to be used as the other men was; I consider as I was not, and so I turned round, and I voted against them at the borough election.

1351. Did you tell them that before the election?—I told them that when they was canvassing me.

1352. Mr. Baron *Martin*.] Did you and

Thompson have any talk about this?—I do not know; there is a deal of odd talk in barbers' shops.

1353. Mr. *Waddy*.] What took place when you told Thompson that you had not been served as the other men were; what did you mean by saying that you were not served the same as the other men were?—They did not give me the same pay as the other men had.

1354. They did not give you the same pay as the other men had for your vote?—No.

1355. What did Thompson say?—He said it would be made up to me before long, or in a day or two.

1356. It was not made up, I believe?—No.

Cross-examined by Mr. Serjeant *Ballantine*.

1357. You voted for the Liberals, did you?—Yes, for the borough.

1358. What you mean by not being used the same as the other men were was, you heard that 17 s. 6 d. had been the price paid to the others, and only 10 s. had been given to you?—Yes.

1359. That is really what you mean?—Yes, that is what I do mean.

1360. Mr. Baron *Martin*.] You thought that you ought to have got 17 s. 6 d. like the others?—Yes.

1361. Mr. Serjeant *Ballantine*.] It was a pretty-well-understood thing that they should all get the 17 s. 6 d.?—I said I should be content to be used as the other men was.

[The Witness withdrew.]

JOHN SHAW TOMLINSON, sworn; Examined by Mr. Serjeant *Sargood*.

J. S.
Tomlinson.

1362. You are the son of the last witness, I think?—No; he is my uncle.

1363. Do you remember, on the municipal election day, being opposite Dickenson's shop, with a lot of others?—Yes.

1364. Did you hear the proposal of 17 s. 6 d.?—First of all, when we was up there, there was a man came out and said he would give 1 l. a man, 10 l. for 10 votes, and 20 l. for 20.

1365. Mr. Baron *Martin*.] Do you know who the man was?—No, I do not.

1366. Mr. Serjeant *Sargood*.] That was a young man out of Dickenson's shop?—I do not know who he was; that was before that young man came out; I was just gone up there.

1367. Afterwards, did the young man come out?—Yes.

1368. What price did he put on them?—18 s. he thought he could get.

1369. What time in the day was this?—About a quarter past 10, may be.

1370. Do you know how the poll was standing between the Liberals and the Conservatives then?—No, I had not heard that then.

1371. Did you hear afterwards?—Yes, about 200 ahead.

1372. What time was that?—Between 10 and 11.

1373. You went with the men down to the polling place under the care of Mr. Cleaver, I think?—Yes.

1374. But you thought it safer to get your money before you voted than afterwards?—To be sure I did.

1375. Mr. Baron *Martin*.] You went to the booth, but you would not go in?—I went in, but I would not deliver up my paper.

1376. Mr. Serjeant *Sargood*.] Did you find your way back to Dickenson's after that?—In front of Dickenson's shop I did.

1377. Who took you there?—I do not know that anyone took me there.

1378. Did you go in and get your money?—I had not polled; I did not poll till after 12. I was just an hour skulking about.

1379. Did you ultimately go into Dickenson's and get your money before you voted?—I went in to get my paper filled up, and then I went to the "Golden Ball," and got my money.

1380. You got your paper filled up at Dickenson's?—Yes.

1381. You did not, like the other men, go into a back room at Dickenson's, but you went into the "Golden Ball"?—Yes.

1382. How much did you get?—17 s. 6 d.

1383. Who paid it you?—A man they call Watson, the auctioneer.

1384. Who introduced you to him?—A young man they called Bentley.

1385. Is he the son or the nephew of Bentley, one of the foremen at the Waggon Company?—I believe he is a nephew; he came from Welton.

1386. Having got your money, did anybody take care of you up to the polling place, to see that you earned your money?—Yes, I did not like to go myself, so I got Mr. Booty to go up with me.

1387. Did anybody tell you why they were going

going on buying votes, seeing they were all safe?—No, I never heard that mentioned.

Cross-examined by Mr. Serjeant *Ballantine*.

1388. You were not a voter in the borough, were you?—No.

1389. That was perfectly well known, was it not?—I do not know, I am sure; I should think plenty know it well.

1390. You did not pretend to be a voter, or anything of the kind?—No, I said nothing; all I was afraid of was that I would not get my money.

Re-examined by Mr. Serjeant *Sargood*.

1391. But you had always previously been a voter?—I had never voted only for the municipal; I had never voted for the borough before.

1392. You had for the municipal?—Yes, several times.

1393. Had you been on the register for the Parliamentary list?—No, I had not got on because I had not paid my rates.

[The Witness withdrew.]

WILLIAM THOMPSON, sworn; Examined by Mr. *Waddy*.

1394. ARE you a voter in the borough?—Yes.

1395. Both for the municipal and Parliamentary elections?—Yes, it is the first time for the Parliamentary.

1396. Which way did you vote for the municipal election, for the Tories or the Liberals?—For Mr. Lowther and Mr. Catterson.

1397. That is for the Conservatives?—Yes.

1398. For the Parliamentary election which way did you vote?—Mr. Maxwell and Mr. Trollope.

1399. Do you remember the morning of the municipal election; did you meet Matthew Wilson and Robert Mann?—Yes.

1400. Where did you meet them?—I seed them in the square.

1401. What time?—I should say it would be about 11 o'clock.

1402. Was Benjamin Moore with them?—He was.

1403. Just tell me what took place?—Matthew Wilson says to me, "Come, you may as well go on with us, you will get a sovereign," just so; then I said "No, not yet." So, when they came out I said, "You have not got a sovereign." "Yes, he had," he said; then he puts his hand in his

pocket, and shows me a sovereign; so I went to the other, but they had shut the door.

1404. To the Liberal committee-room?—Yes; I sees Moore again, and he says, "Come on, you may as well have 17 s. 6 d., it is settled half-a-crown"; so I went and took 17 s. 6 d.

1405. After Wilson showed you the sovereign, what followed upon that?—Moore took me to Dickenson's shop, and he said, "Stop there," and I stopped; then he went and fetched 17 s. 6 d., and he said, "Come in and get your name signed," and he took me to the court-room to get my name signed, and then he left me in the court.

1405*. Do you mean that he took you to get your paper filled up?—Yes.

1406. When you got that, did you go and vote?—I voted before I got the money; he says to me, "Here is another man in too, I will be with you in a few minutes." When he comes out he says, "Come up here"; so he takes me up to the "Golden Ball" yard, and he gave me half-a-sovereign and three half-crowns.

1407. Before you got this money had you been to the Liberal committee-room?—Yes.

[The Witness withdrew.]

JOHN GOLDWELL, sworn; Examined by Mr. Serjeant *Sargood*.

1408. WHAT are you by trade?—A Cabinet Maker.

1409. Were you a voter at the municipal election?—I was.

1410. Did you come into the town between two and three o'clock?—No, by the half-past 12 train.

1411. When did you vote?—Between two and three.

1412. Before voting did you meet Mr. Watson, the painter?—I did.

1413. Did you know what was the state of the municipal election at that time, the state of the poll?—Yes.

1414. Who were ahead?—The Tories were ahead, the others had done.

1415. Did Mr. Watson make any proposal to you for your vote?—Yes, he asked me if I would go and vote, and if I had voted; I said, "No, I had not voted"; he said "Come along then"; and I went, and I got my paper filled up in Padgett's shop.

1416. Which ward was this?—St. Mary's Ward, I think it is called, where I went to vote; and when we came through the square he put a sovereign into my hand.

1417. Did he explain to you why they should give 1 l. for your vote at that time of the day?—He did not.

1418. He said nothing?—He said nothing.

1419. Had you been a voter before for any length of time?—I had been a voter for the municipal.

1420. For how long?—Only once before.

1421. How much did you get that time?—Five shillings.

Cross-examined by Mr. Serjeant *Ballantine*.

1422. How did you vote at the general election?—I voted Liberal.

[The Witness withdrew.]

J. S.
Tomlinson.
9 March
1869.

W.
Thompson.

J. Goldwell.

GEORGE SUMPTER, sworn; Examined by Mr. *Waddy*.

G. Sumpter.
—
9 March
1869.

1423. ARE you a voter for Beverley?—Yes.
1424. Both for the municipal and Parliamentary elections?—Yes.

1425. How did you vote at the municipal election?—For the Liberals, I mean for the Crimsons.

1426. And then for the Parliamentary election, how did you vote?—For the Liberals.

1427. What time in the day did you go to vote for the municipal election?—About one o'clock, as near as I can say.

1428. Mr. Baron *Martin*.] Are you a labouring man?—Yes.

1429. Mr. *Waddy*.] Did you see Robert Thirsk?—Yes.

1430. Was that before or after you had voted?—Before.

1431. Where was it?—It was at the railway station.

1432. What took place between you and him then?—I was working for him.

1433. Just tell us what took place between you and Mr. Thirsk at the station?—About one o'clock I left my work and came to my dinner.

1434. Did you see Mr. Robert Thirsk near the "Golden Ball"?—Yes, I did.

1435. Had you voted then, or had you not?—No.

1436. Just tell us what took place between you and Robert Thirsk when you saw him near the "Golden Ball"?—He said the Liberals were about done up, and I should go and vote which way I liked; I then went and voted for the Crimsons.

1437. What took place afterwards between you and Mr. Thirsk?—There was nothing besides that.

1438. Did you see Mr. Thirsk that day at all afterwards, after you had voted?—No, not after, I did not.

1439. Did you get any money that day?—Yes.

1440. From whom?—Robert Thirsk, the foreman over the Old Foundry.

1441. He gave you how much?—He gave me 5 s.

1442. The Robert Thirsk that you have been speaking about is not the same Robert Thirsk?—No, it is another Thirsk at the station that I was working for.

1443. Robert Thirsk gave you 5 s. that day?—Yes.

1444. Which of them is your master, James Thirsk or Robert Thirsk?—James Thirsk.

1445. I have been asking you about Robert Thirsk all the time?—I did not hear it.

1446. When did you first that day see Robert Thirsk, I do not want James at all?—I went to him, and I told him that I had voted, and I had not got no money.

1447. When was that, what time in the day?—It was again Mr. Taylor's shop.

1448. When?—I cannot say what time of the day, he then gave me 5 s., when I told him I had got no money.

1449. What took place when he gave you the 5 s.?—He said, "My lad, you may go upstairs, and see if you can get any more."

1450. Mr. Baron *Martin*.] Go upstairs, where?—At the "Golden Ball."

1451. Mr. *Waddy*.] Did you go up then?—No, I did not like to go up, and I seed William Vernom, and as asked him, and he said he would go up with me; he said, if I would give him half-a-crown he would go and get me some more.

1452. Did you and Vernom then go upstairs together?—Yes.

1453. Did you go into a room upstairs?—Yes.

1454. Did you see Mr. Watson, the auctioneer, there?—Yes.

1455. What took place between Mr. Watson and you?—He axed me my name, and he set my name down in a book.

1456. Then what happened?—He gave me 10 s.

1457. Were you told what you got that money for?—Yes.

1458. What for?—It was for voting for them.

1459. Was that said so; did anybody say that?—No.

1460. Was anything said about it?—No, not that I heard.

1461. On the day of the Parliamentary election did you see Vernom?—Yes.

1462. Mr. Baron *Martin*.] Did you give him half-a-crown out of that 15 s., or whatever it was?—Yes, I gave him half-a-crown out of it, and a glass of liquor and all.

1463. Mr. *Waddy*.] Did you see Vernom after you had voted on the Parliamentary election day?—Yes.

1464. What took place between you?—He was going by, and he says, "You are a turncoat," he says, "you have got our money and you have not voted for us"; I said, "I did not intend it."

[The Witness withdrew.]

HORNER WALTERS, sworn; Examined by Mr. Serjeant *Sargood*.

H. Walters.

1465. WHAT is your trade?—A Shoemaker.

1466. Were you a voter at the municipal election?—Yes.

1467. And at the Parliamentary?—Yes.

1468. Do you remember the morning of the municipal election?—Yes.

1469. What time did you vote?—About 11 o'clock.

1470. Do you know in what state the poll was then; who was highest?—No, I do not.

1471. Did you get anything for voting?—Yes.

1472. How much?—I got 17 s. 6 d.

1473. How much in the first instance?—Ten shillings.

1474. From whom?—From a man they called Tindal Brown.

1475. Who is he?—He is a tanner, he works at Mr. Cussons' yard.

1476. Are you sure that was he?—Yes, Mr. Richmond sent him up along with me.

1477. Mr. Serjeant *Ballantine*.] Did you hear Richmond send him?—Yes, I did.

1478. Mr. Serjeant *Sargood*.] Had you spoken to Richmond?—No, he met me in the street.

1479. Richmond sent Tindal Brown with you to

to vote?—Yes, he took me into a room and gave me a paper, and sent this man along with me.

1480. And when you had done that job Brown gave you the 10 s.?—Yes.

1481. After that, did you meet Richmond again?—Yes.

1482. What did you say to him about the 10 s.?—I did not say anything to him. He met me, and he says, “You only got 10 s., and I will give you another three half-crowns to make it 17 s. 6 d.”

1483. Did he say what you were to do for it?—I was to poll.

1484. But you had polled, you know?—Yes, I had polled.

1485. What did he say you were to do, then?—He said, perhaps they should want me again.

1486. For what?—For the election.

1487. What did he say that they would want you again for?—For the election.

1488. Did he say that?—Yes.

1489. Did he say what election?—No, he did not.

1490. “Perhaps we shall want you again for the election”?—Yes.

1491. That was all?—Yes.

1492. Afterwards were you canvassed by Sir Henry Edwards and Captain Kennard?—Yes, I was.

1493. Where was that?—In Keldgate.

1494. Is that where you live?—Yes.

1495. At your own house?—Yes.

1496. Who introduced them to you; did anybody at that time?—I think Mr. Richmond came along with them, and Mr. Cussons.

1497. You voted for Maxwell and Trollope, I believe?—Yes.

Cross-examined by Mr. Serjeant *Ballantine*.

1498. Did Mr. Richmond or anybody else speak to you after this day about whom you should vote for?—No, they never mentioned nothing to me who I should vote for.

1499. You said that Richmond said, “Perhaps we may want you again for an election”?—He said he should want me again for an election.

1500. Just give me the conversation again; can you begin and go right through with it?—I have gone through with it.

1501. You have gone through with it for the sake of my learned friend; go through with it again for the sake of me?—I met with Mr. Richmond in Keldgate about 10 yards from what they call Beck-street, and he came up to me and said, “Have you voted”? and I said, “No.” Then they sent Tindal Brown along with me, and he went into the room. I do not believe that Tindal Brown went into the polling-place with us, and polled us; but when we came out, Tindal Brown gave me half-a-sovereign. Then I met with Richmond, perhaps about an hour afterwards. As I was coming back again, I met with Richmond; he says, “You have only gotten 10 s.”; I said, “No.” He says, “There is the other three half-crowns, that will make the 17 s. 6 d.” He says, “I shall want you again for election.” Then he went away.

1502. And you never saw him afterwards?—I did not see him after that day.

Re-examined by Mr. Serjeant *Sargood*.

1503. Was it after or before that that he came and introduced Mr. Kennard and Sir Henry?—It was before that. No, it was not before that, it was after that that they came round for the borough election.

1504. It was after you had got your money that they came round to canvass you?—Yes, they came round after.

1505. How many days after?—I cannot hardly tell to a few days; it was not very long afterwards.

[The Witness withdrew.]

[Adjourned to To-morrow, at Ten o'clock.]

H. Walters.

9 March
1869.

Wednesday, 10th March 1869.

Mr. JOHN SMALES VICKERS, sworn; Examined by Mr. Serjeant Sargood.

Mr. J.S. Vickers. 1506. ARE you Assistant Overseer in the parish of St. Mary's?—Yes.

1507. I believe that your occupation is that of an Auctioneer?—Yes.

10 March 1869. 1508. You have known Mr. Wreghitt for some years probably?—Yes, several years.

1509. I think for some time you were an active supporter of Sir Henry Edwards?—Yes, I was.

1510. Were you in consequence of that in constant communication with Mr. Wreghitt?—Yes, for some years.

1511. Give me the earliest time at which you became connected with Mr. Wreghitt on behalf of Sir Henry Edwards?—When Sir Henry first appeared in Beverley.

1512. In 1857?—Yes.

1513. And you continued so, I believe, for some years?—Yes.

1514. Do you know Mr. Kempley?—Yes.

1515. And Mr. David Nutchey?—Yes.

1516. Thomas Richmond?—Yes.

1517. And Francis Burrell?—Yes.

1518. Were they, with other gentlemen, active supporters of that particular interest?—Yes; during the time that I was connected with the party.

1519. When was the Conservative Working Men's Association first established?—In 1857, I believe.

1520. How soon was it after Sir Henry Edwards' appearance here, or when he came to this borough?—It would be about the time that he was introduced.

1521. Were you officially connected with that institution?—Yes, I was on the committee some time afterwards. I was chairman of it for about a year and a-half.

1522. Can you tell me what its means of support are?—By a small subscription from the members, and a subscription from the borough Members, from the members constituting the association.

1523. You leave out the word "small" there; what was it?—From 1s. A great number of them were at 1s. each.

1524. What was the subscription of the gentlemen who were Members?—I think the deficiency was made up by the borough Members, for the expenses.

1525. Can you tell me about the amount that they have contributed?—I think it is 20 l.

1526. Do you know through whose hands the money was supplied?—I have known it supplied or paid through Wreghitt.

1527. You are acquainted also, I believe, with the constitution of the pasture masters in this place, are you not?—Yes.

1528. How were they elected?—By the freemen.

1529. Have you any personal knowledge how the votes were obtained from the freemen?—By payment for them.

Mr. Baron Martin.] You mean by bribing them?—

1530. Mr. Serjeant Sargood.] Have you personally at any time been employed for that purpose?—Yes.

1531. Mr. Baron Martin.] You mean to bribe?—Yes.

1532. Mr. Serjeant Sargood.] Can you tell me about what sum would be paid on an average?—Ten shillings each.

1533. Mr. Baron Martin.] Was that the ordinary sum?—Yes, that was the prevailing sum at that day; it varies according to the contest.

1534. Mr. Serjeant Sargood.] What particular day are you thinking of at this moment?—I am thinking of about 1862, when the highest I ever knew was given. It was given from 10 s. to 15 s. I have known of from 2 s. 6 d. to 3 s. 6 d. up to nearly 1 l., and 1 l.

1535. From whom did you receive your instructions on this subject?—Mr. Wreghitt.

1536. From whom did you get the money?—It was paid by Mr. Wreghitt.

1537. Did he inform you from whom he obtained the money?—From various conversations that we had he mentioned the borough Members' names, and I suppose it came from them.

Mr. Baron Martin.] It is no evidence that the money was paid by the persons he has named; but it is evidence to show the course that matters took. The Witness mentioned that it was from the borough Members.

Mr. Serjeant Ballantine.] That was not his answer, I think.

Mr. Baron Martin.] Just read the answer. (*The answer was read.*)

1538. Mr. Serjeant Sargood.] What names did he mention?—Edwards and Walker.

1539. What was there in the conversation when he mentioned those names, that led you to suppose the money came from them?—At that time the sum that I proposed to pay he thought was too much, and I told him it was the way to secure the election; I said my proposition would secure the election, and it was during that conversation that he mentioned the names of Edwards and Walker, and where the money came from; it was making it too expensive for them.

1540. I need scarcely ask you what were the political views of the pasture masters you were thus to secure the return of?—They were the Conservative party that Wreghitt had nominated.

1541. We have been told that Mr. Wreghitt was not a freeman; just explain what you mean by his nominating them?—He was recognised as the Members' representative in Beverley.

1542. What had he to do with nominating the pasture masters?—What he did not approve of, nobody else could; they could not stand.

1543. Amongst other things, did Mr. Wreghitt explain to you the object of securing Conservative pasture masters?—It was to secure the patronage, and

and by securing the patronage he would secure the Parliamentary elections.

1544. Were the persons so patronised, persons who had Parliamentary votes?—All freemen have Parliamentary votes.

1545. That would be the consequence?—Yes.

Mr. Serjeant *Ballantine*.] It was proved yesterday, that all freemen had not Parliamentary votes.

The *Witness*.] Those who have benefits from the pastures have.

1546. Mr. Serjeant *Sargood*.] You are speaking of pasture freemen?—Yes.

1547. I will go from the pasture masters to Mr. Walker's Gift, which arises out of it; have you had anything to do with that at any time?—No.

1548. Now, as to the churchwardens, have you been active at all in promoting the election of the churchwardens?—I was one myself, several times.

1549. Is anything of this sort done as to obtaining votes for churchwardens?—Yes.

1550. Mr. Baron *Martin*.] Do you mean that people were bribed to vote for churchwardens?—Every one who voted.

1551. Mr. Serjeant *Sargood*.] What was the object of that?—To secure the election of the candidate; those who will give the most money get in.

1552. It is rather hard work, is it not, to be a churchwarden?—There are some good dinners.

1553. Mr. Baron *Martin*.] At whose expense?—The estate of the church produces an income of 1,000*l.* a year, and they have a great deal of patronage; they have more patronage than any other body in the town, considering the number.

1554. Mr. Serjeant *Sargood*.] Were your efforts to get in Conservative churchwardens?—Yes.

1555. Were the persons whom you had the power of patronising, for the most part, Parliamentary electors?—Yes.

1556. In your capacity of churchwarden as well as from your other knowledge, was the patronage distributed according to the political views of the persons who received it?—That was the object of obtaining the appointment.

1557. Mr. Baron *Martin*.] Have you been engaged in this election for a long time?—From 1852, I believe.

1558. In what election was it that a man called Boyes was imprisoned by the House of Commons?—In 1857.

1559. Mr. Serjeant *Sargood*.] I think you must mean in 1859, when the inquiry was?—Yes; it was.

1560. Mr. Baron *Martin*.] Who were the candidates in the election in which the man of the name of Boyes was imprisoned?—Sir Henry Edwards, then Major Edwards, and Mr. Walters; Mr. Walker was defeated; Sir Henry Edwards and Mr. Walters were elected; and Mr. Walters was unseated.

Mr. Serjeant *Ballantine*.] Boyes, I believe, was on the Liberal side.

Mr. Serjeant *Sargood*.] He was; he appeared to have been too "liberal."

Mr. Baron *Martin*.] He was tried before me at York.

1561. Mr. Serjeant *Sargood* (to the *Witness*).] Who found the money for bribing the votes for the churchwardens?—Wreghitt gave me, on two or three occasions, money.

1562. To what extent was money spent for this particular object?—Do you mean the amount for each vote?

1563. Yes?—About 2*s.* 6*d.*

1564. How many voters would there be?—Every ratepayer has a vote; there are about 800 or 900 in the borough, and perhaps more than 400 or 500 will vote at times; it depends upon the amount of money paid to bring up the voters.

1565. Did Wreghitt inform you from what source this money came?—This was from a fund supplied by Edwards and Walker.

1566. As to the municipal elections for the town council, have you been active in them also?—Yes.

1567. You have had the honour, if it be one, of being a town councillor, I believe?—I was in it for some years.

1568. And were an active canvasser for other councillors when you were not in office?—For several years.

1569. Were votes obtained by the same system of purchase?—Yes.

1570. What sum was given for it?—I have known some years half-a-crown; I never knew it to get up to as much or more than 7*s.* 6*d.* until this year; the last sum paid in 1868 was 1*l.*

1571. Was that for the purpose of securing town councillors of active minds or of peculiar political views?—It was for the purpose of obtaining Conservatives.

1572. With what ultimate object were Conservatives to be obtained?—To secure patronage.

1573. Was that a patronage capable of being exercised in favour of those who were Parliamentary voters?—The town council influences many votes for the Parliamentary election.

1574. They employ a large number of tradesmen, of course?—Yes.

1575. And a great many men who are not tradesmen, workmen and labourers, who have Parliamentary votes?—Yes.

1576. When you were elected a town councillor, was bribery resorted to?—Yes.

1577. Where did the money come from, both on that occasion and on others, when you were active in bribing?—On the first occasion that I stood each candidate paid his own expenses.

1578. That was before Sir Henry Edwards did you the honour to come here?—Yes.

1579. What was the date of that?—At the first contest, when I stood, each candidate paid his own expenses.

1580. Give me the date?—In 1856, I believe, or 1857; I cannot speak to a year.

1581. Was it before or after Sir Henry Edwards came amongst you?—Before; at that time we were unsuccessful.

1582. From whom did the money come after that date, when you were active in assisting in the bribery?—I have known it come from many sources.

1583. From whom did you get it; from whose hands?—

1584. Mr. Baron *Martin*.] What were the sources?—On one or two occasions the candidates themselves subscribed.

1585. Mr. Serjeant *Ballantine*.] Did you receive

Mr.
J.S. Vickers.

10 March
1869.

Mr.
J. S. Vickers.
—
10 March
1869.

ceive the money from the candidates?—From those candidates that subscribed.

1586. Did you receive the money from the candidates?—I did on one occasion.

1587. Mr. Serjeant *Sargood*.] Did you see Wreghitt in reference to the municipal elections?—Yes; in later years I did.

1588. Give me the date when you had interviews with him?—It was in about 1860 and 1861; in those years.

1589. What amount did you receive from Wreghitt on the municipal elections?—

1590. Mr. Baron *Martin*.] The time was about 1860 or 1861, you say?—Yes, I cannot swear to one year; on some occasions there has been no contest; merely the expenses have been paid of cabs and bills and legal expenses; those have been paid by Mr. Wreghitt; on one occasion I received as much as 100 l. from him.

1591. When was that?—On one municipal election; I cannot say the year it was in, about 1861.

1592. You received that from Mr. Wreghitt?—Yes.

1593. Mr. Serjeant *Sargood*.] For what purpose was it?—It was paid to the municipal voters.

1594. It was used for the purpose of bribery?—Yes.

1595. Did he tell you from what source that money came?—From the same fund that he received the other from.

1596. As to this Conservative association, was Wreghitt at any time chairman of it?—He is now, and he has been ever since a part of the first year that it was established, when a gentleman of the name of Collinson was chairman; he succeeded Mr. Collinson; then I was chairman for about a year and a-half, and he has been ever since.

1597. Mr. Baron *Martin*.] Mr. Collinson was the original chairman?—Yes.

1598. Mr. Serjeant *Sargood*.] And then Wreghitt was chairman?—Yes.

1599. And then you were, you say, for a short time?—Yes; for a year and a-half.

1600. And ever since then Wreghitt has been chairman?—Yes.

1601. What business was done at this Conservative association, can you tell me?—The business was to further the interests of the Conservative party.

1602. You had an interest in the pasture masters; did the association do anything with respect to it?—They had their meeting to appoint who was to stand for the pasture masters; the association nominated gentlemen for all the positions in the town, such as churchwardens, guardians, and town councillors, and, in fact, all officers that were nominated.

1603. Mr. Baron *Martin*.] All officers that held office by election?—Yes.

1604. Mr. Serjeant *Sargood*.] How came it that you were chairman during a short period?—Several of the members were not satisfied with Mr. Wreghitt, I suppose, and we had an election and an appointment, and then even they resorted to bribery; each candidate supplied the members with drink.

1605. They elected you as the president at one time?—Yes.

1606. Had that change to be approved by anybody?—Not that I am aware of.

1607. Do you know, as a member of the

society, and as its president, whether any official communication was made to Sir Henry on the subject?—I know that Sir Henry never recognised the change in the head of that association, except the change for Mr. Wreghitt, when he was chairman.

1608. That is to say, he would not recognise you?—No.

1609. Who would Sir Henry recognise?—Mr. Wreghitt.

1610. And nobody else?—Nobody else.

1611. He went back again as president, and has remained so ever since?—Yes.

1612. As the Conservative association would decide upon who should be elected on the town council, did you wait upon the persons who were suggested to become candidates?—When I was chairman of the association, it was part of the duty of the chairman to find the candidates, and to wait upon them after they had been appointed by the association.

1613. After they had been selected rather?—Yes.

1614. To communicate to them the honour that the Conservative association proposed to confer upon them?—Yes.

1615. As certain expenses were attendant on that, did you give them any assurance about it, one way or the other?—Yes; I told them that they would be at no expense whatever; that the expenses would be paid them.

1616. Mr. Baron *Martin*.] Was that carried out?—Yes, it was, my Lord.

1617. Mr. Serjeant *Sargood*.] You are acquainted with the mode by which admission is obtained to the freeman's roll of this city?—Yes.

1618. It costs a few shillings to get on it, I think?—For the birth-freedoms they are very small, only about 7 s.; the servitude is about 50 s.

1619. Have you kindly interested yourself in getting young men put on the freedom roll from time to time?—Yes.

1620. Mr. Baron *Martin*.] To what extent have you done that; over what number of years, and for how many people?—I never interested myself much in that, except when a change in the association took place; at that time a lad applied to me that I took to Wreghitt about something, and he paid the amount.

1621. Mr. Serjeant *Sargood*.] Whether a small or a large amount, he paid what was necessary?—Yes.

1622. What was the amount of that generosity?—To secure the support to the party; those who were paid for were expected to vote.

1623. At what sort of election were they to vote?—For all elections.

1624. What species of elections are you alluding to?—I mean for all; the party they had any interest in.

1625. In everything?—Yes.

1626. The freemen would be entitled to vote for the pasture masters?—Yes.

1627. And for the Parliamentary elections?—Yes.

1628. But not necessarily for the municipal elections?—Not necessarily for the municipal elections, unless he is an occupier.

1629. Then he would vote in right of occupation, and not in right of freedom?—Yes.

1630. To what extent, during your years of office, do you think Mr. Wreghitt has taken

taken up freemen to have an introduction?—Not a great many, perhaps four or five; I do not say that he took up four or five freemen in one year, but in a year and a-half it might occur.

1631. During the time that you were in office?—Yes.

1632. You have said that there has been a great deal of bribery in different directions; was that carried on in the open street, or at any particular place?—I have known it both ways; I have known it carried on in the open street on some occasions, and on others places were taken for the purpose.

1633. Mr. Baron *Martin*.] It was carried on in the open street, was it?—Yes.

1634. Mr. Serjeant *Sargood*.] And at other times at places that were taken for the purpose?—Yes.

1635. Name some of those places, if they are within your memory?—The “Golden Ball” was the principal place; they had generally a room at that house, and a person sat there with money, and all the voters were taken to him and paid the amount that was agreed upon.

1636. Can you name any other place; which ward would the “Golden Ball” be for?—On these occasions both wards would go to that house.

1637. Name any other place that you can remember?—I do not know any others than that.

1638. Is there any other house near to the “Golden Ball,” in the square, that you remember being used for the Conservatives for any purpose?—No; I know the houses they used for filling up the papers.

1639. Where did they fill up the papers?—At Dickinson’s.

1640. Do you know any other place where the papers were filled up?—Yes; they were filled up in a house in the square occupied by Mr. Lythes.

1641. Is there any other place that you remember?—In the square.

1642. Do you know a place called the Toll-gavel?—Yes.

1643. Was any house there used for any purpose that you remember?—No.

1644. You have referred to 1868 as a very exceptional year in the price of votes, and I think you were not then connected with them?—No.

1645. Did you see any persons whom you knew to be actively engaged on behalf of the Conservatives in the Parliamentary election of 1868?—I saw most of the party who were engaged when I belonged to them.

1646. Just mention some of their names?—Mr. Burrell, Mr. Nutchee, Mr. Kempley, and Mr. Lowther.

1647. Do you remember any others?—There was Mr. Wreghitt, and I saw several others.

1648. Do you know Mr. Cleaver?—Yes, I saw him that day too; but Mr. Cleaver took no active part in the Conservative interest when I was there.

1649. Not in your early days?—No.

1650. Do you know Mr. Robert Thirsk?—Yes; I know him.

1651. Did you see him engaged in it?—Yes; I saw him engaged.

1652. Mr. Norfolk, I think, you mentioned?—No.

1653. Did you see him?—No.

1654. Do you know a person of the name of Thompson?—I know several Thompsons.

1655. Thompson, the barber?—Yes.

90.

1656. You know him?—Yes.

1657. Did you see him occupied about it?—Yes.

1658. He is rather an old hand at it, is he not?—Yes.

1659. Do you know Mr. Watson, the auctioneer?—Yes; I know him.

1660. Was he one of the old hands when you were busy?—No.

1661. How lately had you seen him about?—I never had seen him.

1662. Not to speak to him, perhaps; but had you not seen him occupied?—No.

1663. You did not see him?—No.

1664. Or Mr. McCoy; did you know him at all?—Yes.

1665. Was he actively occupied?—Yes.

1666. At the time you were in the office?—Yes.

1667. Did you see him again in 1868?—Yes; I saw him about.

1668. Who is McCoy?—He is managing clerk to Mr. Bainton.

1669. The recognised agent of the Members?—Yes.

Mr. Baron *Martin*.] The agent of Sir Henry Edwards and Captain Kennard?

1670. Mr. Serjeant *Sargood*.] Yes, my Lord. (To the Witness.) Is Browsho within your list of acquaintances?—Yes; I know him.

1671. Was he acting with you?—No.

1672. Did you see him active lately in 1868?—Yes.

1673. Is Mr. Monckman a person that you know?—I know two or three Monkman’s.

1674. I mean belonging to the Waggon Company (Limited); has he been active?—Yes; he has always been active ever since I knew him.

1675. Did you see him active in 1868?—Yes.

1676. And Mr. Levitt, of the Waggon Company?—I do not know him.

1677. Or Mr. Watson, the painter?—I know him.

1678. Was he one or not?—I do not know.

1679. Do you know Mr. Ireland, I mean Thompson Ireland?—I never saw him.

1680. Do you know Mr. Arnott?—I never saw him.

1681. Do you know Mr. Vernom?—No.

1682. Or J. R. Bentley, of the Waggon Company; do you know him?—Yes.

1683. Was he one of the old supporters?—He was a supporter of the party.

1684. Was he active in 1868 again; did you see him?—No.

1685. Did you see the same persons engaged in the municipal as in the Parliamentary elections?—Yes; about the same.

1686. That was also your own experience while you were in connection with them?—Yes.

1687. Just tell me this; on the nomination day who proposed Sir Henry Edwards and his colleague, Captain Kennard?—I do not think that I was in front of the hustings; it is only by hearsay.

1688. Mr. Bainton, I believe, was the proposer, and Mr. Norfolk, of the Waggon Company, was the seconder?—So I have heard.

1689. Mr. Alderman Cussons, I think, was there?—Yes; I was there when he was there.

1690. Captain Kennard was proposed by Alderman Cussons and seconded by Mr. Arden?—I do not know; I was not there then.

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1691. Can

Mr.

J. S. Vickers.

10 March
1869.

Mr. *J. S. Vickers.* 1691. Can you tell me the earliest date at which you knew Captain Kennard to be before the public as a candidate?—

10 March
1869.

Mr. Serjeant *Ballantine.*] I believe he was a candidate in August, but his name was mentioned in July.

Mr. Baron *Martin* (to Mr. Serjeant *Sargood*).] Are you content with that?—

Mr. Serjeant *Sargood.*] Yes, my Lord.

Mr. Serjeant *Ballantine.*] In the month of September he formally declared himself to be a candidate, and received a deputation that waited upon him in August; in July it probably got into the papers; his name was mentioned in July, and very probably it got into the local papers.

Mr. Baron *Martin.*] Very likely.

Mr. Serjeant *Sargood.*] I see that my learned friend is right.

Mr. Baron *Martin.*] When was his address published?—

Mr. Serjeant *Ballantine.*] Not till September; the middle of September.

Cross-examined by Mr. Serjeant *Ballantine.*

1692. I want you to tell me when you received this 100*l.* from Mr. Wreghitt, and I beg of you to be cautious?—On the morning of the election.

1693. What election?—The municipal election.

1694. In what year was that?—When I gave my evidence I said that I could not say to one year, but it was about 1861 or 1862.

1695. Was any one present at the time?—I gave it into the hands—

1696. Did any one see you receive it?—No.

1697. What was it paid you in?—In gold and silver.

1698. To whom did you pay it?—I gave it to Kempley and a man called Train, who paid it away.

1699. When was your evidence taken in this case?—

1700. Mr. Baron *Martin.*] You paid the money?—Yes.

1701. Mr. Serjeant *Ballantine.*] When did you give your evidence for the purposes of this inquiry?—I have given it now.

1702. That is not what I asked you; you know what I mean; when did you give your evidence for the purposes of this inquiry?—I do not know that I am compelled to answer that question.

Mr. Baron *Martin.*] You must answer it. The question is, when did you communicate with the attorney on the other side?—

1703. Mr. Serjeant *Ballantine.*] It is not the attorney; when did you give your evidence for the purposes of this inquiry?—About a fortnight ago.

1704. To whom did you give it?—To Mr. Hind, the solicitor.

1705. Is that the person who has been instructing my learned friend, Mr. Serjeant *Sargood*, and who has been so active in the matter?—I understand so.

1706. Who is that person instructing my learned friend, Mr. Serjeant *Sargood*?—

Mr. Serjeant *Sargood.*] No one is instructing me.

1707. Mr. Serjeant *Ballantine.*] I can see a gentleman instructing you, and I want to know what he is. (To the *Witness*.) What is his name?—Mr. Crosskill.

Re-examined by Mr. Serjeant *Sargood*.

1708. You may, perhaps, give me a little bit of information; who is the gentleman with the grey beard and spectacles sitting behind my learned friend, Mr. Serjeant *Ballantine*, and who I saw telling him something just now?—That is Mr. Wreghitt.

1709. I believe that Mr. Crosskill is chairman of the Liberal party?—I do not know him as such.

1710. He proposed one of the original candidates; did you know that?—He proposed one of the candidates.

1711. We see what has been said about this 100*l.*; there was no one present when you got it from Mr. Wreghitt, you say?—No.

1712. What time of the day was it when he handed you that money?—Early in the morning before the poll opened.

1713. That must have been early; what time does the poll begin?—Nine o'clock is the time when the poll opens for the municipal; it was before nine.

1714. Did you go to him by appointment, or merely by chance?—No, it was by arrangement previously.

1715. When had the arrangement been made?—I could not swear to the day.

1716. Was it recently before?—It was immediately before that time.

1717. By whose instructions did you, having received the money, give it to Mr. Kempley and to Mr. Train?—I had the management of the election, you might term it, at the time, and we made the best of it.

1718. Did you give the money to them, they being both together, or give each his share separately?—I should give them, perhaps, a portion of it at first to pay—

1719. By instalments?—Yes.

1720. Were they both together when you gave either of them any money?—No, I do not think they were.

1721. Would you give it to them at the time by degrees as the exigencies of the day required it?—Yes.

1722. Where would Kempley be at the time?—He would be at the place.

Mr. Serjeant *Ballantine.*] I think, my Lord, this is scarcely fair.

Mr. Baron *Martin.*] You asked him to whom he gave it, and Mr. Serjeant *Sargood* has a right to go into that fully.

1723. Mr. Serjeant *Sargood.*] Where would Kempley have been when you gave him the money?—Either at Dickenson's or at the "Golden Ball."

1724. Where was the other man, Train?—Those are the places where it was paid, I cannot recollect which place.

1725. Would the distribution of one have been at one place, and the distribution of the other at the other?—

Mr.

Mr. Baron *Martin*.] I suppose he gave the money to the men, and they exercised their judgment.

1726. Mr. Serjeant *Sargood*.] Were they the two persons between whom the money was divided?—Yes.

Mr.
J. S. Vickers.

[The Witness withdrew.

10 March
1869.

ROBERT TAYLOR STOTHARD, sworn; Examined by Mr. *Waddy*.

1727. ARE you a freeman of this town?—Yes.
1728. Were you apprenticed in the Recorder office here?—Yes.

1729. When were you admitted to your freedom?—In 1867.

1730. Where did you get the money from to pay for your freedom, from whom?—I got it from Mr. Wreghitt; I was not told at the time I received it that it was for the purpose of taking up my freedom, neither did I ever apply to take it up; I had been absent for upwards of three years from Beverley, and when I came back my father said to me, "Do you intend to settle here?" I said, "I do not know that I shall"; he said, "Should you like to take up your freedom before you leave it?" and I said, "I may as well"; he said, "I will take you along with me to Mr. Wreghitt," and he introduced me to him. £2 10s. was given to me and no questions were asked either as to my political convictions or whether I should

support the party. Of course I am Conservative, but not for the 2 l. 10 s. I do not know but boys are boys, and perhaps they follow the popular opinions, but since I have been able to have convictions of my own they have been Conservative opinions.

R. T.
Stothard.

1731. How did you vote the last time?—For Maxwell and Edwards; I voted for Mr. Maxwell simply because he was a Roman Catholic; if he had not been I should have voted for Captain Kennard.

Cross-examined by Mr. Serjeant *Ballantine*.

1732. I suppose you are a Catholic?—Yes; I am a Roman Catholic, and had he not been one I should not have voted for Mr. Maxwell.

[The Witness withdrew.

MARTIN HUNT, sworn; Examined by Mr. *Waddy*.

1733. WHAT is your Christian name?—Martin.

1734. Have you any connection with the Society of Druids?—Yes.

1735. What is the name of the society?—The United Ancient Order of Druids.

1736. Was Sir Henry Edwards a member of that society?—Yes.

1737. Was it a society to which the members paid a subscription?—Yes; some pay annual subscriptions, and some pay fortnightly.

1738. Was it your duty to apply for the subscription of Sir Henry?—Yes.

M. Hunt.

1739. In what year was that?—In 1868.

1740. To whom did you apply?—To Mr. Wreghitt.

1741. Did he pay it?—Yes.

1742. How much was it?—£1.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

HENRY FIRTH, sworn; Examined by Mr. Serjeant *Sargood*.

1743. ARE you a member of the Druids' Society in this town?—Yes, I am.

1744. Was it your business at any time to apply for Sir Henry Edwards's subscription?—Yes.

1745. In what year was that?—I applied for it in 1865 and 1866.

1746. To whom did you go for it?—I applied by letter, being secretary of the society, to then Colonel Edwards, before he received the title of Sir Henry; I was instructed by the members of the society, and I wrote.

1747. Did you get the money?—Yes.

H. Firth.

1748. From whom did you get it?—From Mr. Wreghitt.

1749. In each of those years?—Yes.

Cross-examined by Mr. *Giffard*.

1750. Are you a voter?—Yes.

1751. How did you vote?—Liberal; Maxwell and Trollope.

[The Witness withdrew.

MARTIN HUNT, re-called.

1752. Mr. *Giffard*.] ARE you a voter for the borough?—Yes, I have been for the last time.

1753. Did you vote?—Yes.

1754. Which way did you vote?—I voted for Maxwell and Trollope.

M. Hunt.

[The Witness withdrew.

THOMAS BEST, sworn; Examined by Mr. Waddy.

- T. Best.*
 1755. ARE you a freeman of this town?—Yes.
 1756. Did you vote at the election for pasture masters in the month of March 1868?—Yes, I did.
 1757. Did you vote for the Tory candidates?—Yes.
 1758. A short time after that, did you go and apply for Walker's Gift?—Yes, I did.
 1759. Mr. Baron *Martin*.] What are you; how do you earn your living?—I am a labourer.
 1760. Mr. *Waddy*.] Do you remember whether Thompson, the barber, was an applicant at the same time?—He was there.
 1761. When you went to apply for the gift, was Mr. Catterson, jun., one of the pasture masters?—Yes.
 1762. And Mr. Thompson?—Yes.

1763. And Mr. Forster, Mr. Farmer and Mr. Sotherby?—Yes.

1764. Had you lost a cow?—No, I had lost nothing.

1765. You were not going to be apprenticed, or anything of that sort?—No, I was not.

1766. Did you get anything?—Yes, I got a sovereign.

1767. What was that for?—For being ill; I could not attend my work; I was laid up for 18 weeks, and I had not been able to attend for that.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

WILLIAM HALL, sworn; Examined by Mr. Serjeant Sargood.

- W. Hall.*
 1768. Is your name William Hall?—Yes.
 1769. How did you vote at the last Parliamentary election?—For Maxwell and Trollope.
 1770. Have you always been a Liberal?—No.
 1771. Not always?—No.
 1772. Did you happen to be unfortunate enough to lose some cattle at one time?—Yes.
 1773. When was that?—Several times; year after year; immense; I suffered very much.
 1774. Did you apply for assistance under Walker's Gift?—Yes.

1775. Having lost your cattle, did they assist you?—No, nought but once.

1776. How many times did you ask for assistance under these misfortunes?—Three times.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

JOHN HALL, sworn; Examined by Mr. Waddy.

- J. Hall.*
 1777. ARE you a freeman?—Yes.
 1778. Have you lost cattle?—Yes.
 1779. Are you a Liberal or a Conservative?—I always voted for the Liberals, except for one pasture master.
 1780. You applied for the gift, did you?—Yes.

1781. Did you get it?—No; they told me that I was a young man in constant work, and that I did not stand in need of it.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

ROBERT MOORE, sworn; Examined by Mr. Serjeant Sargood.

- R. Moore.*
 1782. Do you know Ackrill?—Yes.
 1783. Did you see him about the time of the last municipal election?—Yes, I saw him.
 1784. Did you give your vote at the municipal election?—Yes.
 1785. Was that the first time you had an opportunity of voting at the municipal election?—No.
 1786. How long have you been a voter?—I have voted for five or six years.
 1787. Had you any communication with Mr. Ackrill about voting?—Yes.
 1788. What did he say to you about it?—He came into my house, and asked me if I would vote for their side.
 1789. Which side was that?—The Conservatives.
 1790. What did you say?—I said I would not promise; not at present.
 1791. Did you go to the poll on the polling-day?—Yes.
 1792. About what o'clock?—About 11 o'clock, or a little before 11.

1793. Did you see any one there?—Yes; I went into my brother-in-law's, Mr. Proctor's, which was next door to Dickenson's, about 11 o'clock. I went up and stood there about half an hour, and then I came out, and I just walked a few yards across the street, and the first man I met was Robert Walker, and he said, "Have you voted?" and I said, "No"; and he said, "We have part sugared on our side." Robert Walker said that. He came up to me and said, "Have you voted?" and I said, "No"; and he said, "Well, if you will vote for us we are part sugared on our side, and the other side is boxed up; there is nothing there." By that time Thirsk came up, Robert Thirsk, and Walker said to him, "Here is a man here who has not voted"; and Thirsk said, "What is it you want?" and I said, "What are you giving?" he said, "15s."; and I said, "I heard that you were giving 1l."; and he said, "Well, if 17s. 6d. be it, come on and get voted." And we all three went into Dickenson's shop, and Thirsk said, "Just stand at the counter-side"; and I stood there, as I am standing

standing here, and he went round the counter end and came back again. He came back, and he put some silver into my hand, which I had down at the time. I never looked at it, and I put it into my pocket, of course. Then I got my papers, and he said, "Take him across to the Guildhall," where they were filling papers up; and we went there.

1794. To whom did he say that?—To Robert Walker; and we went there, and delivered the papers up there.

1795. Mr. Baron *Martin*.] You went and gave your vote?—Yes.

1796. Mr. Serjeant *Sargood*.] Did you look at your money afterwards?—Yes; after I had done there I went straight away home, and never stopped a moment anywhere; but I thought I would look at the money. I did not know whether it was 5s., 10s., or 15s.; and when I looked at it there was 1l. in silver.

1797. After that, did you see Mr. Ackrill again?—Yes.

1798. What did he say to you?—He came into my house that day or the day after, I am not sure which, and he said, "How did you come on?" and I said, "Oh, very well"; and he said, "What did you get, what did you come up with; did they come up 1l.?" I said, "That is just the money"; and that was all that passed.

1799. Did he not say anything more; try and remember?—Not at that time; no, he did not say anything more.

1800. How soon afterwards did you see him?—I do not know; but he was often in my house, sitting there and talking.

1801. What did he say to you?—I cannot remember particularly what he said; but he talked, and he said, would I promise to vote for their party; and I said, "No." I thought I

would not promise. He said, would I vote for them; and I said, "No."

1802. With what party?—The crimson party.

1803. When was that to be?—At the borough election; and I said I would not promise.

1804. What did he say to you?—That is about what I can say; I would not promise.

1805. What did he say then?—He did not say any more to me.

1806. Had Ackrill said anything to you about it on the second occasion; on the morning of the municipal election?—No; he did not say anything that morning.

1807. And nothing about the borough election?—No.

1808. Were you canvassed by the candidates?—For the borough election?

1809. Yes?—Yes.

1810. By Sir Henry Edwards and Captain Kennard?—Yes.

1811. Did they come to your house?—Yes.

1812. Who came with them?—I was not in the room at the time when they came. I believe I was upstairs when they came, and my wife went to the door, and saw them.

1813. Who came with them; cannot you tell me that?—I can tell you whom I saw.

1814. Who was it?—Sir Henry Edwards, Captain Kennard, and Mr. Bainton, and Mr. Ackrill.

1815. The man you have been speaking of?—Yes.

Cross-examined by Mr. Serjeant *Ballantine*.

1816. For whom did you vote?—For Maxwell and Trollope.

[The Witness withdrew.]

THOMAS APPLETON, sworn; Examined by Mr. *Waddy*.

1817. WERE you a voter at the last municipal election?—Yes.

1818. And also at the Parliamentary election?—Yes.

1819. How did you vote at the Parliamentary election?—For Mr. Maxwell and Mr. Trollope.

1820. How did you vote at the municipal election?—For the Tory party.

1821. On the morning of the municipal election did you see Mr. Francis Burrell?—Yes.

1822. About what time did you see him?—About seven or half-past seven.

1823. Mr. Baron *Martin*.] In the morning?—Yes.

1824. Mr. *Waddy*.] Tell us what took place between you; what did Mr. Burrell say to you?—He asked me if I was going to support them, and I said that it was rather early on the day.

1825. What did he say in answer to that?—He said, "You shall have 12s. 6d. for you to start with."

1826. This was the morning of the municipal election?—Yes.

1827. What was the rest of that sentence; what was the 12s. 6d. for?—To vote for him, I expect.

1828. What did he say?—He said that I should have 12s. 6d. to start with if I would vote for him.

1829. When did he say that?—That morning.

1830.

1830. Was anything at all said on that occasion about the Parliamentary election?—No. *T. Appleton.*

1831. What did you say in answer to the 12s. 6d.?—I said that it was "rather early on the day."

1832. What happened after that?—Nothing happened; I left him.

1833. After that did you see Charles Arnott?—Yes.

1834. What did he say to you?—He axed me if I was going to vote for him, and I said that I had not made up my mind, or something to that effect.

1835. Did he offer you anything?—Yes.

1836. What was it?—Ten shillings.

1837. Mr. Baron *Martin*.] To vote for whom?—For the Tory party.

1838. Mr. *Waddy*.] What took place?—I told him that I had had more bidden.

1839. Did you tell him by whom?—Yes.

1840. By whom was it?—Burrell.

1841. Mr. Baron *Martin*.] Is that all that passed?—Yes, that is all that passed, I believe.

1842. Mr. *Waddy*.] About nine o'clock did you meet Thomas White?—Yes.

1843. What took place with him?—He asked me if I was going to vote for the Tory party.

1844. What did you say in answer to that?—I said I always expected that he was "Orange."

1845. You said that you thought he was one of the Orange party?—Yes.

T. Appleton.

10 March
1869.

1846. What did he say to that?—He said no, he was not. They were going to win to-day; the Tory party was going to win.

1847. Did he say whom he was engaged for?—No, he did not mention any names.

1848. He said that they were going to win; what else was said?—That is as near as I can tell you.

1849. Was that all that was said?—Yes.

1850. Was any sum mentioned by him?—He said that he would get me 10s.

1851. Did you see Browsho?—Yes.

1852. What did he say?—He said, "Had I voted?"

1853. What did you say to that?—I said "No."

1854. What did he say to that?—

1855. Mr. Baron *Martin*.] What o'clock was this?—It was about 12 o'clock.

1856. Mr. *Waddy*.] Go on?—I said no, I had not voted; and he said, "If you will go with me and vote, I think I shall give you 15 s."

1857. What did you say in answer to that?—I said that I would not take it, I wanted 1 l.

1858. Did you give any reason for wanting 1 l.?—No, not then. I had no reason then.

1859. Did you mention any reason?—I said that I wanted 1 l.

1860. Did you say why you wanted 1 l.?—No, I wanted 1 l. for voting.

1861. When?—That day.

1862. Tell me the very words that you used to him?—I could not tell you exactly.

1863. Try?—

Mr. Baron *Martin*.] He tells you the substance; he cannot tell you the very words he used.

1864. Mr. *Waddy*.] Was that all the conversation that you had with Browsho that day?—I

never saw him before that day; I went with him from the square to Padgett's shop —

1865. Go on?—And Mr. Nutchey was in; he said that he would not give any more than 15 s., and had not occasion to give any more. I said, "Then I will not take it"; at last he said, "I will put another 2 s. 6 d., and make it 17 s. 6 d."

1866. Mr. Baron *Martin*.] Who said this?—Browsho; Mr. Nutchey gave Browsho 15 s., and he came to me at the Town Hall to vote.

1867. You got 17 s. 6 d. for the vote?—Yes, off Browsho.

1868. Mr. *Waddy*.] Did you go away with Browsho?—No; I came up the square with him; that is all.

1869. You said that you went to the Town Hall?—Yes.

1870. On your road to the Town Hall, did Browsho say anything to you about money?—He said that he would put 2 s. 6 d. to it.

1871. Was that all?—Yes.

1872. On your road away from the Town Hall, did he say anything about it?—He said that they were sure to win.

1873. What was the conversation about at which that took place; did you say anything to him about the money that was being spent?—He said that they had plenty of money to spend that day.

1874. Did he say what it was being spent for?—To such as me, I expect, to vote for him.

1875. Not the whole of it; what did he say about the amount of money they had to spend?—(No answer.)

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

RICHARD TATTERSALL, sworn; Examined by Mr. Serjeant *Sargood*.

R.
Tattersall.

1876. Did you go to vote at the municipal election between 11 and 12 o'clock?—Yes.

1877. How stood the matter between the Liberals and Conservatives then?—It was publicly reported in the town that the Liberals had retired.

1878. Did you meet Thompson Ireland?—Yes, I saw him in the street.

1879. Did he inquire whether you had voted?—Yes; he asked if I had voted, and I said, "No."

1880. Was there anyone with you at that time?—Yes, a person of the name of Henry Decox.

1881. Did he promise you anything?—He asked me if I had voted, and I said, "No"; he said, "I can get you 17 s. 6 d., providing you will vote at this municipal election and the other as well," or words to that effect; but he did not word it exactly that way.

1882. Was that 17 s. 6 d. between you and Decox?—No; 17 s. 6 d. each.

1883. Did you go then to the Town Hall with Ireland, you and Decox?—Yes.

1884. What did you do there?—We gave in our papers; our voting papers.

1885. Which side did you vote for then?—The Tories.

1886. Where did you go to afterwards?—He took us to the sign of the "Golden Ball."

1887. Ireland did?—Yes.

1888. He took you both, did he?—Yes.

1889. Mr. Baron *Martin*.] What happened there; whom did you see there?—A gentleman of the name of Watson.

1890. Mr. Serjeant *Sargood*.] The auctioneer?—Yes.

1891. What did Ireland say when he took you in?—He said, "They are all right," or something to that effect.

1892. To Mr. Watson?—Yes, I believe those were his words.

1893. Did Mr. Watson do anything with a pen and ink?—Yes, he put each of our names in a book; I was rather anxious, looking after the money, and I watched to see if my name went down into the book.

1894. Mr. Baron *Martin*.] What sort of book was this?—A very small book.

1895. Was it a memorandum book?—No; it was a small book with a paper cover; it was very small.

1896. Mr. Serjeant *Sargood*.] He put your names down; how much did you get?—A man of the name of Matthew Wilson was there.

1897. Was he a voter?—Yes, I daresay that he was a voter; Mr. Watson was short of silver, and had not silver to pay us separately, and he gave Matthew Wilson 2 l. 12 s. 6 d. for a man of

of the name of William Hardy, and Henry De Caux, and myself.

1898. Did you get your 17 s. 6 d.?—We went out and got change, and Matthew Wilson gave me my 17 s. 6 d., and the other as well, I suppose.

1899. Do you know De Caux?—Yes, I worked with him for nine months.

1900. Is he a man who has anything the matter with him?—Yes, there is an impediment in his speech; if he came in I do not suppose that you would get a word at all from him; he is worse when he is in company.

Cross-examined by Mr. Serjeant *Ballantine*.

1901. What are you?—A labourer.

1902. What in?—I am working in a foundry; I was working with a coach-maker's, when I voted for the municipal election.

1903. Whose foundry is it?—Crosskill and Sons.

1904. Are you working in their foundry?—Yes, when I am at work.

1905. You are working there?—Yes.

1906. Do you know the gentleman sitting there (*pointing to him*)?—Yes; he is one of the firm.

1907. Did you see him last night?—No; I do not remember it; I might have met him in the street.

1908. Did you see anybody last night about this matter?—Yes.

1909. Did you or not?—Yes.

1910. Whom did you see?—I saw Mr. Hind.

1911. The brother of the petitioner, or the petitioner, which?—The brother of the petitioner.

1912. Where did you see him?—At his own house.

1913. Did you go there?—Yes.

1914. How came that?—I met a man in the street who said that Mr. Hind wanted to see me.

1915. Who was the man who told you that?—His name is Herdsman.

1916. You went and saw Mr. Hind, did you?—Yes.

1917. Did you then give him evidence?—Yes.

1918. Was that the first time that you gave it?—No.

1919. What did he want with you?—To see if I was straight, or had forgotten anything.

1920. What process did he put you through to see whether you were straight; how did he try you to see whether you were straight?—He merely read the evidence that I had given him.

1921. He read the evidence over to you, did he?—Yes; or mentioned it.

1922. What did he do; did he read anything over to you?—Yes; what I had told him before.

1923. What had you told him before?—The tale I am telling now; I have only one.

1924. Without suggesting that you have more than one tale, what was the necessity for reading it over to you?—Merely to see that I was prepared to give evidence.

1925. Were you in court here, yesterday?—No.

1926. Why was that?—Because I could not get in.

1927. In the paper that was read over to you, were these words in it, that when the money was given to you, it was given to you providing that you would vote for the municipal election and the borough as well?—Yes.

1928. Those were the very words that he read over to you, were they?—Yes; that I had given him before.

1929. Were they the words that he read over to you?—Yes.

1930. Those were the words that he read over to you?—Yes.

1931. Were there any other persons present who had words read over to them also?—The same words?

1932. Yes?—No.

1933. What?—No.

1934. Were there any other persons present?—Yes; there was Duffill there.

1935. Who else?—I believe that De Caux was there.

1936. Do not you know that he was?—Yes; he was there.

1937. Have you any doubt that he was there?—Not at all.

1938. Was there anybody else present?—I do not think there was, when it was read.

1939. Was it read to you all, the three of you?—He read it out, and we all three heard it.

1940. And he ascertained that you were all straight, all one way?—Yes.

1941. De Caux has got an impediment in his speech, I believe?—Yes.

1942. What was the use of having him there; are you sure that De Caux did not say, that it was all a lie about the municipal election and the borough as well, and that he would not swear to anything like it, and that nothing of the kind ever took place?—Not in my presence; he said, he did not hear what took place between Thompson and Ireland.

Re-examined by Mr. Serjeant *Sargood*.

1943. How long is it since you first gave your evidence to Mr. Hind as to what you have said to-day?—I cannot tell you to a week or a month, perhaps.

[The Witness withdrew.]

JOHN RAWSON, sworn; Examined by Mr. *Waddy*.

1944. ARE you a municipal voter?—Yes.

1945. Are you a Parliamentary voter also?—Yes.

1946. Which way did you vote parliamenterially?—For Mr. Maxwell and Mr. Trollope.

1947. Which way did you vote for the municipal election?—For Mr. Lowther and Mr. Sowerby.

90.

1948. Are they Tories?—Yes.

1949. On the day of the municipal election, did you see Hambleton?—Yes.

1950. Where did you see him, and what time of the day was it when you saw him?—I got to Beverley a little before one o'clock.

1951. Did you not live here then?—No; I had to come from Grove Hill.

1952. Mr.

R.
Tattersall.

10 March
1869.

J. Rawson.

J. Rawson.
—
10 March
1869.

1952. Mr. Baron *Martin*.] And you got here about one o'clock?—Yes.

1953. Mr. *Waddy*.] Where did you see Hambleton?—Against the square, I believe.

1954. Was there a man called Vernom with him?—I did not see him.

1955. Was Well Drake there?—Yes.

1956. Did you go with Hambleton and Well Drake anywhere?—Yes.

1957. Where did you go to?—To the "Golden Ball"; somewhere I suppose it would be.

1958. Did Vernom go with you?—No.

1959. Who was with you?—Well, sir, there was Hambleton and that other man Well Drake; but I do not know whether I exactly went on with them or not, but they were in the room when I was in.

1960. Mr. Baron *Martin*.] You mean in the "Golden Ball"?—Yes.

1961. Mr. *Waddy*.] When you were in the room did you get some money?—Yes.

1962. From whom did you get it?—I did not know the gentleman.

1963. Mr. Baron *Martin*.] What money did you get?—17 s. 6 d.

1964. Mr. *Waddy*.] Did you get it from a stranger; was he seated at the table?—Yes.

1965. With a book before him?—Yes; I believe he had.

1966. And a bag of money?—Yes; he would have some money.

1967. Mr. Baron *Martin*.] Was the money lying on the table?—Yes, I think so.

[Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

WILLIAM WELLDRAKE, sworn; Examined by Mr. Serjeant *Sargood*.

W. Well Drake.
—

1968. WHAT is your christian name?—William.

1969. What are you?—An engine-driver.

1970. Did you vote at the municipal election?—Yes.

1971. Mr. Baron *Martin*.] Do you mean an engine-driver on a railway?—No; a fixed engine.

1972. Mr. *Waddy*.] At some works?—Yes.

1973. The Grove Hill Works?—Yes.

1974. Did you vote at the municipal election?—Yes.

1975. Did you see Rawson there?—Yes; he came in just as I was going out.

1976. Where?—At the door.

1977. What door?—Going up into the "Golden Ball."

1978. Who took you to the "Golden Ball"?—William Vernom.

1979. Had you met him outside?—Yes.

1980. You did meet him outside?—Yes.

1981. What did he say to you that induced

you to go to the "Golden Ball"?—He asked me if we would vote for him, and we said we would not, at first; and he came two or three times and asked us if we would go and vote for them.

1982. Who was that?—Mr. Lowther, Mr. Catterson, and Mr. Ushaw.

1983. What did he say he would do if you voted?—He said that he would get us 15 s. a-piece if we would go and vote for them.

1984. Did you get your money at the "Golden Ball"?—Yes.

1985. Mr. Baron *Martin*.] You voted and got your money?—Yes.

1986. Mr. Serjeant *Sargood*.] Who paid it to you?—Mr. Watson.

Cross-examined by Mr. Serjeant *Ballantine*.

1987. I suppose you voted Liberal at the general election?—Yes.

[The Witness withdrew.

WILLIAM ADDY, sworn; Examined by Mr. *Waddy*.

W. Addy.
—

1988. WHAT time did you vote for the municipal election?—As near as I can remember, between twelve and one o'clock.

1989. Which way did you vote for the municipal election?—I voted for Mr. Catterson and Mr. Ripley.

1990. At the Parliamentary election which way did you vote?—I voted for the Liberals.

1991. Mr. Maxwell and Mr. Trollope?—Yes.

1992. Before you voted on the municipal day did you see Matthew Wilson?—Yes.

1993. What did he say to you?—He said that the Liberal party had given up.

1994. What else did he say to you?—He axed me if I was going to vote, and I said "Yes," and I axed him if he would go with me, and he said, "Yes."

1995. Did you go and vote with him?—Yes.

1996. After that where did he take you to?—We went to the "Golden Ball."

1997. You went into a room upstairs, did you not?—Yes.

1998. Who was sitting at the table?—William Watson, the auctioneer.

1999. How much did you get?—Seventeen shillings and sixpence.

2000. At that time did you hear anything said about the Parliamentary election?—No, not then.

2001. Or at any time that day?—No.

2002. Was anything said to you about the Parliamentary election?—They said nothing to me about the Parliamentary election, not then.

2003. Mr. Baron *Martin*.] On any other day were you spoken to about the Parliamentary election?—No; I was asked if I would give my vote to Sir Henry Edwards, and I said, No, I had promised it.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

MARTIN LASCELLES, sworn; Examined by Mr. Waddy.

2004. DID you vote at the municipal election?—I did.

2005. For the Tories?—I did.

2006. Did you see Robert Thirsk that day?—I saw a man called Thirsk, but I did not know his name was Robert; I understand since that his name is Robert.

2007. Did you get any money that day for voting?—I did.

2008. I daresay you will say how much it was, if I ask you?—I should think, I do not know exactly; there is a deal of points at work in the law; they worked a deal of points of law with me, but I worked a point of law on them.

2009. Now, then, another answer from you; how much money did you get?—I got 17s. 6d.

2010. From whom?—This Mr. Robert Thirsk.

2011. Mr. Serjeant Ballantine.] Which way did you vote for the borough election?—Do you think I ever voted for other than the yellows ever since I was born?

2012. Mr. Serjeant Sargood.] Did Mr. Thirsk say what he was going to give you the money for?—Yes; he wanted me to poll for the major on the polling day; he said, You will think on it to vote for Major Edwards at the election day. I did not speak another word to him, because when I vote for a member, and he is put up for Beverley, I expect, when you promise, you will do your faithful duty, the same as we are now; we are the judge now, but when we die we are judged then.

2013. Have you anything more to say as to what took place on that day?—Yes; I had my paper filled up to poll for the yellow lads.

2014. You were ready to poll yellow for the Liberals?—Yes, I was; I had my paper filled up and signed by Mr. Foxhall, at the Gas Works, Back-side.

2015. But the 17s. 6d. converted you?—Yes, because my friends had known that Major Edwards had done it for year after year, and I said, I will cling on to him.

M. Lascelles.
10 March
1869.

Cross-examined by Mr. Serjeant Ballantine.

2016. Did you see anybody about this matter, last night, that you have been telling us about?—Yes, I heard the matter last night, that a man got 3l. 10s. from Mr. Thirsk, and if you had been up two nights, the same as I have, lambing sheep, how would you look, if you were 62 or 63, which I shall be to-morrow; how would you like that?

2017. Did you see Mr. Hind last night?—No, I did not want to see him.

2018. Did you see Mr. Crosskill last night?—If I had wanted to see him, I will bet I could have found him; I did not see Mr. Crosskill.

2019. Did you see anybody about this case last night?—What case?

2020. About your evidence?—No.

2021. You saw no one at all?—I am as sharp as you.

2022. When was your evidence taken?—When you get it now.

[The Witness withdrew.]

JOHN REAP, sworn; Examined by Mr. Serjeant Sargood.

2023. DID you vote at the municipal election for the Tories?—Yes, I voted for them.

2024. About what time in the day did you vote?—Eleven o'clock.

2025. Did you get any money for it?—Yes.

2026. How much money did you get?—15s.

2027. Where did you get it?—At the "Tiger Inn."

2028. Who paid it to you?—Mr. Richmond.

J. Reap.

Cross-examined by Mr. Giffard.

2029. How did you vote?—I voted for Mr. Maxwell and Mr. Trollope.

[The Witness withdrew.]

MATTHEW WILSON, sworn; Examined by Mr. Waddy.

2030. DID you vote at the municipal election?—Yes.

2031. Which way did you vote?—I voted for the crimson.

2032. Did you vote at the Parliamentary election?—Yes.

2033. How did you vote?—For Maxwell and Edwards.

2034. A split vote?—Yes.

2035. On the day of the municipal election, did you go to the "Golden Ball"?—Yes.

2036. Were you there at the same time that Tattersall was there?—Yes, I was there at the same time that Hardy was; I do not know Tattersall.

2037. Did you get some money there?—William Watson gave me 2l. 12s. 6d. to give to three of them.

2038. That is the auctioneer?—Yes.

90.

2039. You were one of the three, were you not?—No; I had nothing to do with it.

2040. You were to divide it between three other persons then?—Yes.

2041. Did you get any money for yourself?—Yes; about half-past ten o'clock.

2042. Mr. Baron Martin.] In the morning?—Yes.

2043. Mr. Waddy.] Where did you get it?—I got it in the Towns Hall.

2044. Mr. Baron Martin.] How much did you get?—A sovereign.

2045. Mr. Waddy.] Who gave you that?—Thompson the barber.

M. Wilson.

Mr. Serjeant Ballantine stated that he had no question to put to the Witness.

[The Witness withdrew.]

JOHN DALTON, sworn; Examined by Mr. Waddy.

J. Dalton.
10 March
1869.

2046. Did you vote at the municipal election?
—Yes.
2047. For the Tories?—Yes.
2048. What o'clock in the day was it?—It was in the afternoon; some time about two o'clock.
2049. How much were you paid?—I got half a sovereign.
2050. Where did you get it?—At Watson the painter's.
2051. Who gave it to you?—William Watson.

2052. The painter?—Yes.
2053. Himself?—Yes.
2054. How did you vote at the Parliamentary election?—I voted for Mr. Maxwell and Colonel Edwards.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

JOHN BEAN, sworn; Examined by Mr. Waddy.

J. Bean.

2055. WHICH way did you vote for the municipal election?—For the crimson party.
2056. And for the Parliamentary election?—No, sir.
2057. Did you not vote?—Yes.
2058. Which way?—Mr. Maxwell and Mr. Trollope.
2059. On the day of the municipal election did you see a man called Taylor?—Yes.
2060. Did he take you to Dickenson's shop?—Yes.
2061. Did you there get your voting paper filled up?—Yes.
2062. From there you went, did you not, to the "Golden Ball"?—Yes.

2063. Mr. Baron *Martin*.] Did you vote before you got there?—Yes; I voted before I went to the "Golden Ball."

2064. Mr. *Waddy*.] You got how much there?—Seventeen shillings and sixpence.

2065. From whom did you get it?—I got it from the auctioneer.

2066. Mr. Watson?—Yes.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

GEORGE PETCH, sworn; Examined by Mr. Serjeant Sargood.

G. Petch.

2067. Did you vote at the municipal election?—Yes.
2068. For the Tories?—One for the Tories.
2069. And one for the Liberals?—Two for the Liberals.
2070. At the municipal election?—Yes.
2071. How did you vote at the Parliamentary election?—For Maxwell and Trollope.
2072. What time in the day did you vote at the municipal election?—I think it was about between 11 and 12 o'clock.
2073. Did you get paid for your one vote for the Tories?—Yes.

2074. How much?—Sixteen shillings and sixpence.

2075. Who paid you?—Mr. Watson the auctioneer.

2076. It was at the "Golden Ball," was it not?—Yes.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

JOHN SHIELDS, sworn; Examined by Mr. Waddy.

J. Shields.

2077. WERE you a municipal voter?—Yes.
2078. Which way did you vote?—Crimson.
2079. How did you vote at the Parliamentary election?—Orange.
2080. What time in the day did you vote at the municipal election?—Two o'clock.
2081. Did a man called Robert Walker take you to vote?—Yes.
2082. After taking you to vote, did he take you to the "Golden Ball"?—Yes.
2083. Were you there paid some money?—Yes.

2084. How much?—Ten shillings.
2085. By whom?—I do not know what they call the man.

2086. It was a man at a table?—Yes.

2087. With a little book before him and a money-bag?—I did not see any money.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

ROBERT EVERINGHAM, sworn; Examined by Mr. Waddy.

2088. DID you vote at the municipal election?—Yes.

2089. What time in the day was it?—About one o'clock.

2090. Did you vote for the Tories?—Yes.

2091. Did you vote at the Parliamentary election?—Yes.

2092. Tory or Liberal?—Liberal.

2093. Were you paid at the municipal election for your vote?—Yes.

2094. How much were you paid?—Fifteen shillings.

2095. Where were you paid?—At the "Golden Ball."

2096. By whom were you paid?—Mr. Watson, the auctioneer.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

R.
Everingham.
10 March
1869.

JAMES SMETHLEY, sworn; Examined by Mr. Waddy.

2097. ABOUT what time in the day did you vote for the municipal election?—Half-past one o'clock.

2098. What colour did you vote?—The Tories.

2099. Did you vote Tory or Liberal at the Parliamentary election?—Tories.

2100. On the morning of the municipal election, did a man, called William Chadwick, have some conversation with you?—Yes.

2101. Did he take you to the "Golden Ball"?—Yes.

2102. Was that before or after you had voted?—Before.

2103. Mr. Baron *Martin*.] About what o'clock was it?—About half-past 10, my Lord.

2104. Mr. *Waddy*.] You got some money there did you?—Yes.

2105. From whom did you get it?—Chadwick.

2106. Were you taken into a room at the "Golden Ball"?—Yes.

2107. Who was there at the time?—A man that sat at the table; I did not know him.

2108. Had he a little book before him?—I did not notice.

2109. Had he a bag of money before him?—I did not observe.

2110. Did this man give Chadwick some money?—Yes. *J. Smethley.*

2111. What was said to Chadwick in your presence about the money?—He said that there was 17 s. 6 d.

2112. Who said that?—This man at the table.

2113. For whom did he say it was?—There were two of us went together.

2114. Mr. Baron *Martin*.] The other went to get money as well?—Yes.

2115. Mr. *Waddy*.] Who was it?—William Etherington.

2116. Where did you go after that?—After leaving the "Golden Ball," we went to Mr. Dickenson's.

2117. Where did you go after that?—To the Guildhall.

2118. What did you do at the Guildhall?—We voted there.

2119. After you had voted, did Chadwick give you anything?—Yes.

2120. What was it?—Seventeen shillings and sixpence.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

WILLIAM ETHERINGTON, sworn; Examined by Mr. Serjeant *Sargood*.

2121. DID you vote at the municipal election?—Yes.

2122. For the Tories?—Yes.

2123. At what hour?—Half-past 10 o'clock.

2124. Did you vote at the Parliamentary election?—Yes.

2125. Which way?—The same.

2126. For the Tories?—Yes.

2127. Were you paid at the municipal election for your vote?—Yes.

2128. How much were you paid?—Seventeen shillings and sixpence.

2129. Do you know James Smethley?—Yes.

2130. Did you go into the "Golden Ball" with him?—Yes. *W. Etherington*

2131. Did you see a man of the name of Chadwick there?—Yes.

2132. Did he go with you to the poll?—Yes.

2133. Did you get your money before or after you had given your vote?—We got it after.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

BENJAMIN THOMPSON, sworn; Examined by Mr. Serjeant *Sargood*.

2134. YOU voted at the Municipal election, I think?—Yes.

2135. Was any one with you at the time that you were in the neighbourhood of Dickenson's shop?—Yes.

2136. Who was it?—John Nobell.

2137. Whom did you see while Nobell and you were waiting?—Several people.

2138. Was there anyone that you can name in particular; was there any one who spoke to you?—Anthony Levitt.

2139. What did he say to you?—He axed us if we had voted.

2140. And you told him no, of course?—Yes.

2141. What did he say to you then?—He said, "Come in here."

B.
Thompson.

2142. Was

B.
Thompson.
10 March
1869.

2142. Was that all?—And he took us in.
2143. Was that all he said; did he add anything after the words “Come in here”?—That we should be all right.
2144. Did you follow him in?—Yes.
2145. What room did you go into?—We went through the shop going into the kitchen, and then Mr. Cleaver stopped us.
2146. What said he?—He said, “Wait a bit.”
2147. Did you wait?—Yes.
2148. Mr. Baron *Martin*.] About what o'clock was this?—About half-past 12 o'clock.
2149. Mr. Serjeant *Sargood*.] Did you wait a bit?—Yes.
2150. What did you wait for; did he say?—We waited about half an hour, from that to an hour.
2151. In the shop?—Yes, in the shop.
2152. Did you see people going in an out during that time?—Yes.
2153. How many did you see?—Several; I cannot mention the number.
2154. In and out of this room?—Yes.
2155. At last did you get into the room?—No.
2156. Whom did you see there about the place?—I saw Mr. Robert Thirsk, and several.
2157. Do you remember anyone else?—Mr. Cooke came in and McCoy; when Mr. Cooke came in he said, “Don't pay any more.”
2158. What o'clock was that?—Between 12 and 1 o'clock; “they are all leaving the new place,” he said.

2159. What was the “new place”?—The new foundry, I suppose, Sir.
2160. Well, go on; did you see any money paid to anyone?—Yes.
2161. Who?—I saw Mr. Robert Thirsk pay Martin Lascelles; he offered him 10s., and Martin said, “I will not have that; I will have the same as the others, or else I will not go.”
2162. Did he get it?—Yes; he gave it, and they went off together.
2163. Mr. Baron *Martin*.] What did he give him?—Seventeen shillings and sixpence, I believe, my Lord.
2164. Mr. Serjeant *Sargood*.] What is your occupation?—A joiner.
2165. For whom do you work?—Mr. Hodgson.
2166. Is he one of the leading Liberals?—Yes.
2167. Did you and Nobell wait there as you say together for about an hour?—Yes.
2168. Although Lascelles got some money, you did not?—I did not get any.
2169. You and Nobell had none?—No.
2170. How did you vote at the Parliamentary election?—I voted for Maxwell and Trollope.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

JOHN NOBELL, sworn; Examined by Mr. *Waddy*.

J. Nobell.

2171. WERE you with the last witness when Levitt came up?—Yes.
2172. Which way did you vote at the municipal election?—For the Liberal side.
2173. At the municipal election?—Yes.
2174. And also at the Parliamentary election?—Yes.
2175. Did you wait at the shop for half an hour with the last witness?—Yes.
2176. With Thompson?—Yes.
2177. Mr. Baron *Martin*.] You went with him into Dickenson's shop, did you?—Yes, I did.
2178. Mr. *Waddy*.] Did you see Lascelles paid by Mr. Thirsk?—I did.

2179. Did you hear anything said by Mr. Thirsk to Lascelles?—Yes; I heard him; in fact, I saw him pull out half-a-sovereign and offer it to him, and Lascelles said, “No, I will have the same as the rest, or I will not vote.”
2180. Did you hear what Mr. Thirsk said to him about what the half-sovereign was for?—They had some low conversation between them, and I did not hear the words.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.]

WILLIAM KNIPE, sworn; Examined by Mr. Serjeant *Sargood*.

W. Knipe.

2181. DID you vote at the municipal election?—Yes.
2182. For the Tories?—Yes.
2183. What hour of the day was it?—About half-past 11 o'clock.
2184. Were you paid anything for your vote?—I was paid 1 l.
2185. By whom were you paid?—Mr. Robert Thirsk.

2186. And where were you paid?—At Dickenson's shop.
2187. Did you vote at the Parliamentary election?—Yes.
2188. Which way?—Maxwell and Trollope.
2189. Liberal?—Yes.

Mr. Serjeant *Ballantine* stated that he had no question to put to the witness.

[The Witness withdrew.]

WILLIAM HAIGH, sworn; Examined by Mr. *Waddy*.

W. Haigh.

2190. WHAT time did you vote at the municipal election?—Between one and two o'clock.
2191. For which side did you vote?—For the Conservatives.

2192. How did you vote at the Parliamentary election?—For the Conservatives.

2193. Before the municipal election, did Mr. Lowther

Lowther speak to you?—Yes, previous to the election.

2194. Do you mean the day of the election?—Yes.

2195. Was anything said about payment?—No, I believe that all he said was, “If there was anything, I should have the same as the rest.”

2196. Had you had anything at that time?—No.

2197. Did you afterwards go to Padgett’s committee-room?—Yes.

2198. Did you see Mr. Francis Burrell there?—Yes.

2199. What did he say to you?—He told me that I had got to the wrong place.

2200. Did you belong to the other ward?—Yes.

2201. Did he direct you to Dickenson’s?—He told me to go Dickenson’s.

2202. Did you then go to Dickenson’s?—Yes.

2203. Did you meet Mr. Lowther there?—Yes, I found Mr. Lowther there.

2204. Did he tell you to go and vote?—Yes.

2205. And you did so?—Yes, I did so.

2206. After voting, you returned, I suppose, to Dickenson’s?—Yes.

2207. What did Mr. Lowther give you, or did he take you to the “Golden Ball”?—Yes.

2208. Did you go into the room upstairs?—Yes.

2209. Was there a person seated at a table there?—Yes.

2210. Do you know who it was?—I do not know the name.

2211. What did Dickenson say to him?—He told him to give me 17 s. 6d.

2212. Mr. Baron *Martin*] The man at the table gave you the 17 s. 6 d.?—Yes.

2213. Mr. *Waddy*.] Was Mr. Lowther with you?—He was in the room.

2214. Did Mr. Lowther say anything to the man at the table?—Nothing more than to give me 17 s. 6 d.

2215. Did you see your name put down in a book?—I did not.

2216. This was your first time of voting?—Yes, at a municipal election.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

Mr. ROBERT TURNBULL, sworn; Examined by Mr. Serjeant *Sargood*.

2217. Did you vote at the municipal election?—Yes.

2218. About what hour of the day?—Some time about 11 o’clock.

2219. Did you vote for the Tories?—Yes.

2220. Did you vote at the Parliamentary election?—Yes.

2221. Which way?—Maxwell and Trollope.

2222. Liberals?—Yes.

2223. Were you paid for the municipal vote?—Yes.

2224. How much?—A sovereign.

2225. Who paid it to you?—Robert Thirsk.

2226. And where did he pay you?—In Dickenson’s shop.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

W. Haigh.

10 March
1869.

*Mr. R.
Turnbull.*

JAMES WILLIAM LOVELL, sworn; Examined by Mr. *Waddy*.

2227. WERE you a municipal voter at the last election?—Yes.

2228. Did you vote at the municipal election?—Yes.

2229. For whom did you vote?—For the Tories.

2230. Did you vote at the Parliamentary election?—Yes.

2231. For whom?—Maxwell and Trollope.

2232. On the morning of the Parliamentary election, did you go to Dickenson’s shop?—Yes.

2233. At what time?—At nearly 12 o’clock.

2234. I am talking about the municipal election, when you went to Dickenson’s shop?—Yes.

2235. Did you see John Robinson Bentley there?—Yes.

2236. He had a book, I believe, in his hand?—Yes.

2237. What did you say to him?—He said that he would give me 17 s. 6d. to vote, and I told him that I would not have it.

2238. Did you tell him that you would have more?—Yes, I wanted a sovereign.

2239. Then was there a man of the name of Samuel Bielby there?—Yes.

2240. Did he tell you if you would stop he would get you a pound?—Yes.

2241. Did Bielby afterwards go with you to vote?—Yes, at the Town Hall.

2242. After you had voted, what happened?—He gave me two half-sovereigns.

2243. In the Town Hall yard?—Yes.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

J. W. Lovell.

R. Towse.

ROBERT TOWSE, sworn; Examined by Mr. Serjeant *Sargood*.

2244. Did you vote at the municipal election?—Yes.

2245. For the Tories?—Yes.

2246. Were you paid?—Yes.

2247. How much were you paid?—Fifteen shillings.

90.

2248. Where did you go for your money?—I went to Mr. Dickenson’s first.

2249. Whom did you see there?—I saw Mr. Bentley there and Mr. Monckman.

2250. Anybody else?—I could not particularise who the others were, there were some more.

G 2

2251. Did

R. Towse. 2251. Did you see Mr. Lowther or not?—I did not see him there.
 10 *March* 2252. Did you arrange with Mr. Bentley as to
 1869. how much you were to have?—No.
 2253. With whom did you arrange then?—
 With Mr. Monckman.
 2254. Who went with you to vote?—Mr.
 Monckman.
 2255. Was it he who paid you?—Yes.
 2256. After you had voted?—Yes.
 2257. Did you see anyone hand him the money
 before you left Dickenson's?—Bentley.
 2258. He gave him the money?—Yes.

2259. Did you know Bentley before that day?—Yes.
 2260. Is he connected with the Waggon Company, Limited?—Yes.
 2261. That is the same Bentley, is it?—Yes.
 2262. Did you vote at the Parliamentary election?—Yes.
 2263. For the Tories, or the Liberals?—Liberals, for them both.

Mr. Serjeant *Ballantine* stated that he had no questions to put to the Witness.

[The Witness withdrew.]

HENRY DE CAUX, sworn; Examined by Mr. *Waddy*.

H. De Caux. 2264. WERE you a voter at the municipal election?—Yes.
 2265. And at the Parliamentary election?—Yes.
 2266. For whom did you vote at the municipal election?—For the Conservatives.
 2267. Were you paid any money for voting?—Yes.
 2268. How much?—Seventeen shillings and sixpence.
 2269. Were you paid that money by Mr. Watson the auctioneer?—Yes.
 2270. At the "Golden Ball"?—Yes.
 2271. Were you there in the company of Richard Tattersoll?—Yes.
 2272. And you voted Liberal at the Parliamentary election?—Yes.

Cross-examined by Mr. *Giffard*.

2273. You went last night I think to have your evidence taken, did you not?—No.

2274. Was not your evidence taken last night by anyone?—No.
 2275. Take care; just consider; was not your evidence taken and read over to you last night to see whether you had made any mistake or forgotten anything?—I never heard it.
 2276. Is there any other gentleman of your name in the borough, do you know?—No, there is not.

Re-examined by Mr. Serjeant *Sargood*.

2277. Were you present last night when Mr. Tattersoll was at the solicitor's?—Yes.
 2278. Did you hear his evidence read over to him?—I heard part of it.
 2279. But your evidence was not read over to you?—No.

[The Witness withdrew.]

DANIEL NICHOLSON, sworn; Examined by Mr. Serjeant *Sargood*.

D. Nicholson. 2280. DID you vote at the municipal election?—Yes.
 2281. What time in the day was it?—Between 11 and 12 about half-past 11.
 2282. How stood the poll between the Liberals and the Tories do you know?—I cannot say.
 2283. Did you see a person named Bishoprick that morning?—Yes.
 2284. Whereabouts?—In the square near the polling place.
 2285. Was your father with you?—Yes.
 2286. What did Bishoprick say to you?—He asked me if I had voted, and I said "No."
 2287. What did he say then?—He said he would give me 17 s. 6 d. if I would go and vote, and I told him I would.
 2288. Did you go with him anywhere after that?—To Dickenson's shop.
 2289. What part of the house did you go to?—The back room; I got the paper filled up in the front shop, and went to the Town Hall and voted.

2290. You went into the back room?—Yes, after we had voted.
 2291. When the voting paper had been filled up in the shop, you went to the Town Hall; was your father with you?—Yes.
 2292. Who went to see you vote?—Bishoprick.
 2293. You voted Tory?—I voted Tory.
 2294. Then did you come back to Dickenson?—Yes.
 2295. Was Bishoprick still with you?—Yes.
 2296. Then did he take you into the back room?—Yes.
 2297. Whom did you see in the back room?—Robert Thirsk.
 2298. Did he pay you anything?—Thirty-five shillings for the two votes.
 2299. Did you vote afterwards at the Parliamentary election?—Yes.
 2300. Which way?—Claxwell and Trollope.
 2301-2. Liberal?—Yes.

[The Witness withdrew.]

LEVI NICHOLSON, sworn; Examined by Mr. Serjeant *Sargood*.

L. Nicholson. 2303. DID you vote at the municipal election?—Yes.
 2304. For the Tories?—Yes.
 2305. You were with your son all the time?—Yes.

2306. I will not go through the whole history, but were you paid for your vote?—Yes.
 2307. How much?—Seventeen shillings and sixpence.
 2308. At what house?—Mr. Dickenson's.
 2309. By

2309. By whom?—Robert Thirsk.
 2310. Before or after you had voted?—After we had voted.
 2311. Did you vote at the Parliamentary election?—Yes.

2312. Which way?—For Mr. Maxwell and Mr. Trollope. *L. Nicholson.*

[The Witness withdrew. 10 March 1869.]

JOSEPH SYKES, sworn; Examined by Mr. Serjeant Sargood.

2313. DID you vote at the municipal election?—Yes.
 2314. What hour of the day?—Betwixt half-past 11 and 12.
 2315. Were you paid for your vote?—Yes.
 2316. How much?—A sovereign.
 2317. Had anyone spoken to you about the price before you voted?—Yes.
 2318. Who was it?—Samuel Barrett asked me.
 2319. Where did you meet him?—In the square.
 2320. Did he go with you to vote?—No.
 2321. After you had spoken to Barrett did you see Beilby?—Yes.
 2322. Did you speak to him about it or he to you about your voting?—Barrett spoke to him about my voting.
 2323. Barrett spoke to him about your voting in your presence?—Yes.
 2324. What did he say about the price?—He did not say anything about the price. He told Beilby he had brought me to vote.
 2325. What did Beilby say?—He said I was to go along with him, and we went to Padgett's shop.
 2326. Who did you find there?—There was some writers. I did not notice anyone particularly, but David Nutchey was outside; I believe his name is David.
 2327. Did you see Mr. Kemplay that day?—Yes.
 2328. Where?—After we came from Padgett's shop.
 2329. What did you do in Padgett's shop when you first went in?—Beilby motioned of Nutchey to come in, but Nutchey shook his head and would not come in.
 2330. What did Beilby do then?—We then went and met Mr. Kemplay.

2331. Where did you meet him?—Coming from the square.
 2332. Did Beilby speak to Mr. Kemplay?—Yes.
 2333. Did you hear what he said?—No, I did not.
 2334. What did Mr. Kemplay do after Beilby spoke to him?—He gave Beilby a sovereign.
 2335. What did you do then?—We went back to Padgett's shop, Beilby and I, and got a voting paper filled up; then I went with Beilby and voted. Then Beilby gave me a sovereign.
 2336. After you had voted Beilby gave you a sovereign?—Yes.
 2337. Did you vote at the Parliamentary election?—Yes, I did.
 2338. Liberal or Tory?—Liberal.
 2339. Were you canvassed by Sir Henry Edwards and Mr. Kennard?—Yes, I was.
 2340. Did they come to your place?—Yes.
 2341. Who did you see with them on that occasion?—I saw Mr. Cleaver and Mr. Akrell.
 2342. Do you remember anybody else?—I remember Mr. Cliff. I forget the names of the others.
 2343. Did you at any other time see those gentlemen canvassing about the borough?—Yes.
 2344. Who did you see with them then?—I have seen Mr. Wreghitt with them, and Mr. Cleaver and the gentlemen I have named before, Mr. Cliff and Mr. Akrell, and several others.
 2345. Did you see at any time either of the gentlemen whom you had seen on the day of the municipal election, when you got your money?—No, I did not.
 2346. Do you remember who they were?—Yes.

J. Sykes

[The Witness withdrew.]

WILLIAM DIXON, sworn; Examined by Mr. Serjeant Sargood.

2347. ARE you William Noon Dixon?—No.
 2348. Mr. Serjeant Ballantine.] Who are you; are you a voter?—Yes.
 2349. Did you get any money for the municipal election?—Yes.
 2350. From whom?—From the Liberal party, and the year before as well.
 2351. Mr. Baron Martin.] Who paid you the money?—Thomas Green.
 2352. How much?—Fifteen shillings.
 2353. Mr. Serjeant Ballantine.] For what?—For the municipal.
 2354. And you got it the year before, did you?—Yes, Tailor Gray paid me.
 2355. How much did he pay you?—Five shillings.
 2356. He was a Liberal also, was he?—Yes.

Mr. Serjeant Ballantine.] As far as the municipal election goes, my Lord. *W. Dixon.*

Mr. Baron Martin.] It seems to me that it was a mass of corruption from beginning to end.

Mr. Serjeant Ballantine.] I am inclined to agree with your Lordship as far as the case has gone at present, but you have not at present heard the sitting Members' case.

Mr. Baron Martin.] I have not heard the sitting Members' case, but I have heard such a quantity of corruption in the town that it seems to me to be a town that is unfit to possess the privilege of sending members to Parliament; the persons elected in such a place cannot properly be Members of the House of Commons, in order to perform legislative duties; the country is interested in having persons there who are honourably

J. Dixon.
 —
 10 March
 1869.

and freely elected; it does not seem to me to be a question of agency at all.
 2357. Mr. Serjeant *Sargood* (to the *Witness*).] You told my learned friend that you got 5s. at the municipal election last year?—The year before.

2358. Perhaps you will tell me whether you got anything at the Parliamentary election last year?—No, I got nothing.

[The Witness withdrew.]

WILLIAM NOON DIXON, sworn; Examined by Mr. Serjeant *Sargood*.

W.N. Dixon.
 —

2359. Did you vote at the municipal election last year?—Yes.
 2360. What hour of the day?—About half-past 10.
 2361. Were you paid for your vote?—Yes.
 2362. How much?—Fifteen shillings.
 2363. By whom?—By Mr. David Nutchey.
 2364. At what house?—At Mr. Padgett's shop.
 2365. Who first asked you for your vote that day?—Mr. Beilby.
 2366. Anybody else?—No.

2367. Did you see Mr. Kemplay that day?—No.

2368. Was it with Beilby that you arranged the price?—Yes.

2369. Who went with you to vote?—Beilby.

2370. And were you paid at Padgett's before or after you had voted?—After I had voted.

2371. Were you one of the gentlemen whose freedom was purchased by Mr. Wreghitt?—Yes.

[The Witness withdrew.]

JOHN CONSTABLE, sworn; Examined by Mr. Serjeant *Sargood*.

J. Constable.
 —

2372. WHAT are you by trade?—Well, a Tanner or a Labourer, which you like.
 2373. Perhaps that means that you are a labouring man at a tanner's?—To be sure, if you like to call it; it does not matter to me which.

2374. Did you vote at the municipal election last year?—Yes.

2375. Do you remember what time of the day it was?—Yes.

2376. Tell me when?—Five minutes past 10.

2377. Early in the morning?—Yes.

2378. And which side did you favour with your vote?—Mr. Lowther, Esq., Mr. Catterson, Esq., and Mr. Usher, Esq.

2379. All Conservative gentlemen?—Yes, all Tories, and as red as blood, the same as my shirt.

2380. You will not be offended if I ask you —?—No, you cannot offend me; I am one of the best tempered chaps in the world.

2381. Tell me if you got any money that day for your vote?—Of course I did.

2382. So I thought; how much did you get?—The same as everybody else, for anything as I know.

2383. How much?—Seventeen and a tanner.

2384. Seventeen shillings and sixpence we call it generally?—Yes.

2385. Who gave it to you?—Mr. Thomas Harris, Esq.

2386. What Harris is that?—The patent manure manufacturer.

2387. Anybody with you, any other gentleman with a vote?—No, with myself, in the public street.

2388. As to the Parliamentary election, did you vote at that?—Yes.

2389. Mr. Baron *Martin*.] Do you mean that you got this money in the public street?—Yes, my Lord.

2390. Mr. Serjeant *Sargood*.] Did you vote at the Parliamentary election?—Yes, I did.

2391. Was that covered by the previous amount?—No; I voted honourable for Sir Henry Edwards and Captain Kennard, and never was asked for my vote; I never was canvassed by no gentlemen whatsoever.

2392. No doubt there was no occasion for it?—Anything else do you want to ask me?

2393. No, that is all; you can go; I am obliged to you.—I am much obliged to you.

[The Witness withdrew.]

JOHN GRANTHAM, sworn; Examined by Mr. *Waddy*.

J. Grantham.
 —

2394. Did you vote at the last municipal election?—Yes.

2395. Which way?—I voted for the Liberals.

2396. At the municipal election?—No, not for the municipal I did not.

2397. The first election I mean, the one at the beginning of the month; which way did you vote then?—I voted for the Conservatives.

2398. And at the other election you voted for the Liberals?—Yes.

2399. What time in the day did you vote at the municipal election, the first of the two?—Between 10 and 11.

2400. Had you previously been canvassed by the Liberal candidates?—They had been at my house, but I did not see any of them.

2401. Had you previously promised to vote for the Liberals?—No.

2402. When you came into the town did you see Mr. David Nutchey?—Yes; not in the town; I did at Mrs. Padgett's.

2403. And did you get anything from him there?—I got a sovereign there.

[The Witness withdrew.]

JOHN TEBB, sworn; Examined by Mr. Serjeant *Sargood*.

2404. DID you vote at the municipal election?
—Yes.
2405. At what hour of the day?—About half-past 10.
2406. What was the price?—A sovereign.
2407. Who paid it?—David Nutchey.

2408. At Padgett's?—Yes.
2409. Did you vote at the Parliamentary election?—Yes.
2410. Which way?—Liberal.

J. Tebb.
—
10 March
1869.

[The Witness withdrew.]

HENRY CONDOR, sworn; Examined by Mr. *Waddy*.

2411. DID you vote at the municipal election?
—Yes.
2412. Which way?—I voted for the Tories.
2413. Did you receive any money for your vote?—Yes.
2414. How much and from whom?—Seventeen shillings and sixpence from a man of the name of William Rippon.
2415. And where did you get it?—I got it in a place in the market.
2416. Was that Dickenson's shop?—No.

2417. Whose house was it?—It is a shop where they sell flour, near to Mr. Poskitt's. I hardly know the name of the place.
2418. It is not Padgett's?—No.
2419. And it is not Dickenson's?—No.
2420. Some other place that we have not heard of?—Yes.
2421. Was a man of the name of John Reap there at the same time?—No.

H. Condor.
—

[The Witness withdrew.]

GEORGE WILKINSON, sworn; Examined by Mr. *Waddy*.

2422. WERE you a voter for the municipal election?—Yes.
2423. On the day of the municipal election were you working at the Minster?—Yes.
2424. And were you sent for from the Minster to vote?—There was a man came to fetch me.
2425. Who was the man?—Joseph Nixon.
2426. What time in the day would that be?—A quarter-past 10.
2427. Where did Nixon take you to?—To the Town's Hall.
2428. Did you see Mr. Nutchey there?—No.
2429. Did you vote?—Yes.
2430. After you had voted did you see Nutchey?—Yes.

2431. Where?—At Mrs. Padgett's.
2432. Who took you to him?—Joseph Nixon.
2433. Did you get any money from Nutchey?
—Yes, 15 s.
2434. Did you then go back to your work at the Minster?—Yes.
2435. And you continued at your work for the day?—Yes.

G. Wilkinson.
—

Cross-examined by Mr. *Giffard*.

2436. Did you vote at the Parliamentary election?—Yes.
2437. For whom?—Maxwell and Trollope.

[The Witness withdrew.]

JOHN ABBOTT, sworn; Examined by Mr. Serjeant *Sargood*.

2438. DID you vote at the last municipal election?—Yes.
2439. What hour of the day was that?—About half past 10, I think.
2440. Did you see anybody before you voted to speak to?—Yes, one.
2441. Mr. Baron *Martin*.] Who was that?—They called him William Wilson.
2442. Mr. Serjeant *Sargood*.] Did you see at any time Thompson the Barber, as they call him?—Yes, I seed him.
2443. Was that before or after you had voted?—It was after.
2444. Before you voted, did anyone say anything to you about the price?—Yes.
2445. Who was that?—Wilson.
2446. How much was agreed for?—I did not have no agreement with him.
2447. How much was offered?—He did not offer me anything at all.
2448. What did he say?—I asked him how things was going on, and he said that the Liberals

had given over paying, and then Thompson the Barber came up.
2449. What did Thompson the Barber say?—He asked me if I was going to vote; he said he was going up with four or five, and I could go along if I liked.
2450. Did he tell you what the price was?—No, we had no agreement.
2451. But did he mention it without agreeing?—No.
2452. Did anybody mention it?—No.
2453. Then you went up and voted?—Yes.
2454. Did you go back again with Barber Thompson anywhere?—No.
2455. Did you get any money?—Yes.
2456. How much?—A sovereign.
2457. Who gave it you?—Thompson.
2458. Did you vote at the Parliamentary election?—Yes.
2459. Which way?—Maxwell and Edwards.
2460. Then you split?—Yes.

J. Abbott.
—

[The Witness withdrew.]

WILLIAM WOOLLOCK, sworn; Examined by Mr. Waddy.

W. Woollock.
—
10 March
1869.

2461. DID you vote at the municipal election?—Yes.

2462. Which way?—For the Conservatives.

2463. Did you vote at the Parliamentary election?—Yes, for the Liberals.

2464. What time of the day did you vote at the municipal election?—It would be about half-past 12, as near as I can remember.

2465. Did you see a man called William Wilson?—Yes.

2466. Where was that?—In the square.

2467. Was Thompson and Beilby with him?—Yes, he was agen him; they was both together.

2468. What did you say to them, and what did they say to you?—He said he would give us a sovereign to go and vote.

2469. Who said that?—Thompson.

2470. Did he then take you to Dickenson's?—Yes.

2471. Mr. Baron *Martin*.] You had voted then?—No, I had not voted at that time.

2472. Did you go and vote after that?—Yes.

2473. Mr. *Waddy*.] After you voted, did you get any money?—Yes.

2474. From whom?—Thompson.

2475. How much?—£1.

2476. Did you afterwards see James Saunderson?—Yes.

2477. Did he tell you something?—Yes.

2478. What did he tell you?—He said there was an order at Thompson's, the "Black Swan."

2479. An order for what?—For some drink.

2480. Did he say whose order it was?—Lowther's.

2481. Did you go to the "Black Swan"?—Yes.

2482. And did you get drink there?—Yes.

2483. Mr. Baron *Martin*.] Beer or spirits?—Beer.

2484. Mr. *Waddy*.] Were there other people there drinking?—I never seed them.

2485. Did you pay for what you got?—No.

2486. Were you ever asked to pay at all?—No.

2487. That was your first time of voting, I believe?—Yes.

[The Witness withdrew.

GEORGE BRUSBY, sworn; Examined by Mr. Serjeant Sargood.

G. Brusby.
—

2488. DID you vote at the municipal election last year?—Yes.

2489. At what hour of the day?—About half-past 12.

2490. Did you vote for the Tories?—Yes.

2491. Were you paid?—Yes.

2492. How much?—A sovereign.

2493. Who gave you the sovereign?—Robert Thirsk.

2494. Whereabouts?—In Dickinson's shop.

2495. Did you vote at the Parliamentary election afterwards?—Yes.

2496. Liberal or Tory?—Liberal.

[The Witness withdrew.

GEORGE BRUSBY, sworn; Examined by Mr. Serjeant Sargood.

G. Brusby.
—

2497. ARE you a Nephew of the last witness?—Yes.

2498. Do you remember the day of the municipal election?—Yes.

2499. Did you leave your work early on that day to come down into the town?—No.

2500. At any time in the day?—No; I did not leave my work.

2501. Were you at work all day, then?—No; I was not at work at all.

2502. You are too sharp for me; you were not at work at all, and therefore you did not leave your work?—No.

2503. You had a holiday that day, as far as work was concerned?—Yes.

2504. Did you get any money that day?—No.

2505. Did you get it before that day?—No; I got some on the Saturday before; my wages.

2506. Did you get any money after that day?—I got it on the Saturday following.

2507. For your wages?—Yes.

2508. You got no other money in that week?—No.

2509. Mr. Baron *Martin*.] You got no money for voting?—No.

2510. Mr. Serjeant *Sargood*.] Or after that week?—No.

2511. Did you get any money at all from the Conservative party at any time?—Never in my life.

2512. Perhaps I am mistaken in the man; you were not employed by them, it may be?—No, not at all.

[The Witness withdrew.

JOSEPH KITCHING, sworn; Examined by Mr. Waddy.

J. Kitching.
—

2513. WERE you a municipal voter?—Yes.

2514. What time in the day did you vote for the municipal election?—About half-past 12.

2515. Was Charlton with you?—Yes.

2516. Did you get any money for your vote?—Yes.

2517. How much did you get?—Fifteen shillings.

2518. From whom?—Mr. Charlton gave it to me.

2519. Is that Robert Charlton?—Yes, Robert Charlton.

2520. Did

2520. Did you see where he got it from?—Yes.
 2521. Where did he get it from?—He got it from a person in the “Golden Ball” chamber.
 2522. Did you go up into the “Golden Ball” with Charlton?—Yes.
 2523. Was there a Mr. Watson there?—I do not know the person.
 2524. Was he seated at a table?—Yes.
 2525. Who took you there?—A man by the name of Jonas Taylor.

2526. Did you get the money before or after you had voted?—After I had voted. *J. Kitching.*
 2527. Did you vote at the Parliamentary election?—Yes. *10 March 1869.*
 2528. Which way?—Mr. Trollope and Edwards.
 2529. A split vote?—Yes.

[The Witness withdrew.]

ROBERT CHARLTON, sworn; Examined by Mr. Serjeant *Sargood*.

2530. WERE you with Joseph Kitching at the municipal election?—No, not that I know of.
 2531. Did you see that man get down out of the box just now; the last Witness?—Yes; but I was not with him.
 2532. Is there another Robert Charlton, that you know of?—No, not that I know of.
 2533. Where do you live?—In Binnington’s-yard.
 2534. Did you vote at the municipal election?—Yes.
 2535. Were you paid?—Yes.

2536. For whom did you vote; for the Tories?—Yes. *R. Charlton.*
 2537. How much were you paid?—£. 1.
 2538. By whom?—By Mr. Browsho, at the “White Swan.”
 2539. Where were you paid?—I was paid at the Town’s Hall, as I came out from voting.
 2540. Did you vote at the Parliamentary election afterwards?—Yes.
 2541. For whom did you vote then?—The Liberals.

[The Witness withdrew.]

JAMES WALTERS, sworn; Examined by Mr. Serjeant *Sargood*.

2542. ON the day of the municipal election, did you see Mr. Richmond?—Yes.
 2543. Did you get any money from him?—Yes.
 2544. How much?—Seventeen shillings and sixpence.
 2545. What was that money for?—For voting, I expect
 2546. What was said between you?—There was naught said just then.

2547. Did you vote?—Not before I got my money, I did not. *J. Walters.*
 2548. After you had got the 17 s. 6 d. from Mr. Richmond, did you vote?—After, I did.
 2549. Which way did you vote?—I voted Liberal.
 2550. And then did you vote at the Parliamentary election?—Yes.
 2551. Which way?—Maxwell and Trollope.

[The Witness withdrew.]

GEORGE CROSS, sworn; Examined by Mr. Serjeant *Sargood*.

2552. DID you vote at the municipal election?—Yes.
 2553. Which way?—For the Tories.
 2554. Were you paid?—Yes.
 2555. How much?—Fifteen shillings.
 2556. Who paid you?—I do not know.
 2557. Where were you paid?—In the “Golden Ball.”
 2558. By a gentleman at a table?—Yes.

2559. Who had a book and some money?—Yes. *G. Cross.*
 2560. Who took you to the poll?—George Herring.
 2561. Did you vote at the Parliamentary election afterwards?—Yes.
 2562. Which way?—Maxwell and Trollope.

[The Witness withdrew.]

JOSEPH ANDERSON, sworn; Examined by Mr. *Waddy*.

2563. WERE you a voter at the municipal election?—Yes.
 2564. And for the Parliamentary?—Yes.
 2565-6. How did you vote for the municipal election?—I voted for Messrs. Catterson, Lowther and Usher.
 2567. And for the Parliamentary?—I voted for Messrs. Maxwell and Trollope.
 2568. How much did you get on the municipal election-day?—I got 17 s. 6 d.
 2569. Where?—At the “Golden Ball.”

2570. From whom?—There was three of us in there; I cannot say who. *J. Anderson.*
 2571. From whom did you get the money?—From one of those men.
 2572. Where did he get it from?—He got it from a man that was sat at the table.
 2573. Who was that?—I think his name was Watson.
 2574. Who took you there?—Jonas Taylor.

[The Witness withdrew.]

ROBERT GRASSBY, sworn; Examined by Mr. Serjeant *Sargood*.

R. Grassby.
—
10 March
1869.

2575. Did you vote at the municipal election?—Yes.
2576. Which way?—For the Tories.
2577. Were you paid?—Yes.
2578. How much?—Fifteen shillings.
2579. Where were you paid—I was paid in the street.
2580. By whom?—Mr. Harris.
2581. What is he?—A manure merchant.
2582. Was that before or after you had polled?—He gave me 10 s. just before I went, and he gave me t'other 5 s. after I came out.
2583. Did you get any refreshments, as well as money?—No; for myself, do you mean?
2584. I mean something to drink?—Yes.
2585. Mr. Baron *Martin*.] Was it in money, or were you treated?—No; I never got treated, nor nothing; nobody gave me anything to drink; I went home after that.
2586. Mr. Serjeant *Sargood*.] Did you have any order to get anything to drink?—No; nobody gave me an order to drink.
2587. You were not sent anywhere to get any drink?—No, I was not; I went home.
2588. Did you vote at the Parliamentary election?—Yes.
2589. Which way?—Edwards and Kennard.
2590. I must ask you this; do you know the

“Royal Oak” public-house?—Yes; it is my house that.

2591. Did you go in there at any time, to have any drink?—Do you mean my own house; do you mean it given at my own house? I live there.

2592. You keep the “Royal Oak,” do you?—Yes.

2593. No wonder nobody gave you an order to go there; I did not know that, my friend; perhaps I am wrong; instead of you drinking, had other people drink there?—Yes; a little I had given.

2594. Tell me who ordered it to be given?—Mr. Lowther.

2595. About how many people partook of that liberality?—I cannot say, I am sure; it was a few neighbours round about.

2596. How long did that last; how many days?—It was not a deal of days; it was only three gallons that was given.

2597. What day was it?—It was on the voting-day.

2598. The municipal or the Parliamentary?—No; not the Parliamentary election; the t'other.

[The Witness withdrew.

THEW RAILTON, sworn; Examined by Mr. *Waddy*.

T. Railton.
—

2599. On the municipal election-day, did you see William Browsho?—I cannot remember seeing on him.
2600. Were you in a cab that day at all?—Yes, I was very ill, and I was put into a cab.
2601. Was William Browsho in the cab?—I cannot say; Mr. Wilson carried me down into the cab and upstairs again.
2602. Matthew Wilson?—Yes.
2603. Did you go with that cab to Dickinson's?—They took me up town.
2604. After they had taken you up town to somewhere did they drive you to the Town Hall?—Yes.
2605. And did you vote?—Yes.
2606. And after you had voted did somebody

give you some money?—They gave it to Mr. Wilson, and he gave it to my missis.

2607. Who gave it to Wilson?—Browsho.

2608. How much was it?—Seventeen shillings.

2609. Mr. Baron *Martin*.] Wilson gave it to your wife?—Yes.

2610. Mr. *Waddy*.] Which way did you vote?—Crimson.

2611. At the Parliamentary contest afterwards which way did you vote?—The same again.

2612. For Edwards and Kennard?—Yes.

[The Witness withdrew.

HENRY WALLIS, sworn; Examined by Mr. Serjeant *Sargood*.

H. Wallis.
—

2613. Did you vote at the municipal election?—Yes.
2614. Tory or Liberal?—Tory.
2615. How much did you get?—A sovereign.
2616. What o'clock did you vote?—It would be about a quarter to four in the afternoon.
2617. Who paid it you?—Robert Thirsk.
2618. Where was it that he gave you the money?—In Dickinson's shop.

2619. After you had voted or before?—Before, he gave it me about 11 o'clock.

2620. Had you had the sovereign all day, do you mean?—Yes.

2621. In your pocket?—Yes, in my pocket.

2622. Did you vote at the Parliamentary election afterwards?—Yes.

2623. Which way?—Maxwell and Trollope.

2624. Did you see any people at Dickinson's shop when you got your money?—It was full.

[The Witness withdrew.

HENRY WHITEHEAD, sworn; Examined by Mr. Waddy.

2625. Did you vote at the municipal election?
—Yes.
2626. Did you see Mr. Stothard that day?—
Yes.
2627. What time in the day did you vote?—I
voted between 12 and one.
2628. Did Stothard take you?—No.
2629. What did Stothard do with you?—He
gave me an offer of a ride in a cab; but I did
not go.
2630. After that did you see Thompson, the
barber?—No.
2631. Did you see another Thompson?—No.
2632. Did you get any money for your vote
that day?—Yes.

2633. From whom?—From Mrs. Lamb.
2634. Who is Mrs. Lamb?—Well, she is the
landlady of the “Tanner’s Arms.”
2635. Mr. Baron Martin.] How much did you
get?—Seventeen shillings and sixpence.
2636. Mr. Waddy.] Do you know where she
got it from?—No, I never asked any questions; it
was not my duty to ask no question where she
got it from.

II.
Whitehead.
10 March
1869.

Cross-examined by Mr. Giffard.

2637. Which way did you vote at the Parlia-
mentary election?—I voted for Mr. Maxwell
and Mr. Trollope.

[The Witness withdrew.

JOHN ATKINSON, sworn; Examined by Mr. Serjeant Sargood.

2638. ARE you employed at the “Grove Hill
Works”?—Yes.
2639. Do you remember the day of the Par-
liamentary election, not the municipal?—Yes.
2640. Were you coming into Beverley about
nine o’clock in the morning?—Yes.
2641. Did you meet any one who spoke to
you about the Parliamentary election?—Yes.
2642. Who was it?—William Vernom.
2643. Anyone with him?—Yes, Robert
Wallis.
2644. Did they canvass you for your vote?—
Vernom did.
2645. You are a voter?—Yes.
2646. Did Vernom ask you for your vote?—
Yes.
2647. For whom?—For Sir Henry Edwards
and Captain Kennard.
2648. What did he say to you on the subject?
—He axed me if I was going to vote for them, and
I told him I thought not; he says, “You will
get nothing from the other party; but,” he says,
“you will get well paid if you vote for Sir
Henry and Kennard afterwards”; he says,
“Every man will be paid well that voted for
them afterwards”; but he said I was not to
say anything about it.
2649. Did he say anything else that you re-
member just now?—He says, “I got some for
your brother in the councillors’ election.”
2650. What did he get for your brother at the
council election?—I did not ask him.
2651. What did you understand him to say
he did get him; was it bread or beer, or what?
—I think he got him 15s.

2652. Your brother was examined yesterday
about it; we know what he got.—He said he
had promised to get him some more.
2653. You mean Vernom told you that he had
promised to get your brother some more?—Yes.
2654. Some more what?—I think some more
money.
2655. You refused to promise, I think, at that
time?—I did not promise him.
2656. Did he ask you to meet him again?—
Yes.
2657. Did you see him again?—Yes.
2658. Had you then voted?—Yes.
2659. For the Liberals?—Yes.
2660. Did you tell him so?—Yes.
2661. What did he say to you?—He says,
“You will get nothing for it; you would have
been all right if you had voted for us.”

J. Atkinson.

Cross-examined by Mr. Serjeant Ballantine.

2662. Where do you live?—At Weel.
2663. Are you on the register; you did vote,
did you?—Yes.
2664. Who is Vernom; do you know him?—
Yes.
2665. What is he?—I think he is a pattern
maker.
2666. Where?—In Beck-side; I think it is
near Potter’s-hill where he works; he lives in the
Grove Hill-lane, I believe.
2667. Did you vote at the municipal election?
—No.
2668. Have you a vote for the municipal?—
No.

[The Witness withdrew

JOHN CHAMBERS, sworn; Examined by Mr. Waddy.

2669. At the municipal election did you vote?
—Yes.
2670. Which way?—For the Conservatives.
2671. Before voting, did you see Mr. William
Skinn?—No.
2672. What time in the day did you vote?—
About half-past 10.
2673. Were you paid any money for your
vote?—Yes.
2674. Who paid it to you?—Mr. Levitt.
2675. Mr. Baron Martin.] How much?—A
sovereign.
90.

2676. Mr. Waddy.] Were there three of you
together at the time?—No.
2677. Did you see Harrison and Porte?—
No.
2678. Where was it that Levitt paid you?—
In Dickinson’s shop.
2679. Were you also a Parliamentary voter?
—Yes.
2680. How did you vote at the Parliamentary
election?—For Major Edwards and Kennard.

J. Chambers.

[The Witness withdrew.

JAMES HARRISON, sworn; Examined by Mr. Serjeant *Sargood*.

J. Harrison. 2681. Did you vote at the municipal election for the town councillors?—Yes.
 10] *March* 2682. What pay did you get?—Fifteen
 1869. shillings.
 2683. Who paid it to you?—Mr. Skinn.
 2684. What time of the day was it that you voted?—I should think close upon dinner time, 12 o'clock, or something like that.
 2685. You voted for the Tories, of course?—Yes.
 2686. Where was it that Mr. Skinn paid you the money?—At the “Golden Ball.”

2687. Did you go into an inner room upstairs, where a gentleman sat at the table?—No, I did not.

2688. You were paid down below?—Yes.

2689. Did you vote afterwards at the Parliamentary election?—Yes.

2690. Whom did you favour, then?—I favoured Sir Henry Edwards and Mr. Hegan Kennard.

[The Witness withdrew.]

ROBERT SHAW PORTE, sworn; Examined by Mr. *Waddy*.

R. S. Porte. 2691. WERE you a voter at the municipal election?—Yes.
 2692. What time in the day did you vote?—Sometime about dinner-time.
 2693. Mr. Baron *Martin*.] For whom did you vote?—I voted for the Tories.
 2694. Mr. *Waddy*.] How much did you get for your vote?—Fifteen shillings.

2695. Who gave it you?—Mr. Skinn.

2696. Where did you get it?—In the “Golden Ball.”

2697. How did you vote at the Parliamentary election?—For Mr. Edwards and Kennard.

[The Witness withdrew.]

PAUL MARSH DUFFILL, sworn; Examined by Mr. Serjeant *Sargood*.

P. M. Duffill. 2698. You voted at the municipal election, I think, did you not?—Yes; I did.
 2699. What are you?—I am a Fishmonger and a Shoemaker as well.
 2700. Did you vote for the Tories at the municipal election?—Yes, I did; properly.
 2701. Did they properly pay you; how much did you get?—Am I forced to tell you?
 2702. I am afraid you are; how much was it?—Must I tell you what they gave me it for?

Mr. Baron *Martin*.] You must tell the whole story; you must understand that in consequence of your evidence you can never be punished in any way: I will give you a certificate, if necessary, to protect you from any indictment, but you must tell the truth.

2703. Mr. Serjeant *Sargood*.] Will you answer my question?—Ax me a question and I will answer it properly.

2704. How much was it you were paid?—I cannot say.

2705. Then you have made a great fuss about it for nothing; let me see whether I can say for you; was it 20 s.?—It was not.

2706. Was it more?—No.

2707. Was it less?—Yes.

2708. Suppose I bid 17 s. 6 d., what would you say to that; is that the right mark?—It was not.

2709. What was it?—I will run to the door.
 (The Witness attempted to leave the witness-box.)

Mr. Baron *Martin*.] Answer the question, or you will go to York Castle.

2710. Mr. Serjeant *Sargood*.] You do know; tell me how much it was?—I was fresh at the time.

2711. Mr. Baron *Martin*.] You were fresh then, are you fresh now?—I have had a drop of lush.

2712. Mr. Serjeant *Sargood*.] You are not so fresh, but what you know what you are about; how much money did you get?—I do not know.

2713. But you know my Lord may not believe you?—Well, either him or you can either believe me or you do not; I do not know what I got, and I shall not tell it none of you.

2714. Did you vote first and get your money afterwards?—

Mr. Baron *Martin*.] What is the use of asking him; his silence is worse than if he gave evidence.

2715. Mr. Serjeant *Sargood*.] Did you vote at the Parliamentary election?—Yes.

2716. For whom did you vote then?—Kennard and Major Edwards.

Cross-examined by Mr. Serjeant *Ballantine*.

2717. Just attend to me for a moment, were you at Mr. Hind's last night?—No, never; I do not know the man.

[The Witness withdrew.]

GEORGE SANDERSON, sworn; Examined by Mr. *Waddy*.

G. Sanderson. 2718. ARE you a voter for the borough?—Yes.
 2719. And did you vote at the municipal election?—Yes.
 2720. For whom did you vote?—I voted for

Sir Henry Edwards and Captain Kennard for the borough election; at the municipal election I voted for the Tory party.

2721. About what time in the day did you vote at the municipal election?—I cannot exactly say; perhaps

perhaps, it may be some time about one, or 12 o'clock, or half-past one.

2722. Did you receive any money for your vote?—Seventeen shillings and sixpence, I got.

2723. From whom?—From a man of the name of Samuel Bishoprick.

2724. Where?—I believe it was pretty near what we call the Horns-lane-end.

2725. Was it in the street, or in a house?—Not in a house, in the street.

2726. Mr. Baron *Martin*.] A street in this town?—Yes; a street in this town.

[The Witness withdrew.

GEORGE ATKINSON, sworn; Examined by Mr. Serjeant *Sargood*.

2727. Do you remember the last Parliamentary election?—Yes.

2728. Do you know Mr. Marmaduke Lowson Whitton?—Yes.

2729. What is he?—He is a builder.

2730. Did he, a few days before the Parliamentary election, solicit your vote?—Yes.

2731. Mr. Baron *Martin*.] Do you know how long it was before the Parliamentary election?—About a week, I believe.

2732. Mr. Serjeant *Sargood*.] And on whose behalf did he ask you to vote?—He asked me to vote for Mr. Edwards and Mr. Kennard.

2733. What did you say to him?—I told him I could not promise him.

2734. Did he say anything more to you?—Yes; he begged of me to vote for them.

2735. Did he propose anything to you that he would do for you?—No.

2736. Did he say anything to you beyond asking for your vote?—That is all he did to me there.

2737. Did he afterwards and before the election come or do anything more?—I went to ask him for a job.

2738. What did he say?—He gave me one.

2739. How long did it last?—I was four and a half days at work before the election.

2740. Mr. Baron *Martin*.] Are you a builder or a labourer?—A labourer.

2741. Mr. Serjeant *Sargood*.] How much money did you get?—Thirteen shillings and sixpence, I believe.

2742. Did Mr. Whitton say anything more to you about the election matters?—No.

2743. Not at that time?—No.

2744. Do you mean he never spoke to you again in his life about election matters?—Yes.

2745. Did he say anything more to you at that time when you were paid that 13 s. 6 d.?—No.

2746. Who paid you, he or the foreman?—Mr. Whitton himself paid me.

2747. When did you next see him?—The day after the election.

2748. Where did you meet him?—I met him in the street.

2749. What did he say to you then?—I asked him to lend me half-a-crown, and he said he would not, nor do anything more for me; I had not been a man to my word; I promised him, he said, faithful to vote for Mr. Edwards and Mr. Kennard, and I told him I did not, nor I never did.

2750. You had voted for the Liberals?—I voted for Mr. Edwards and Mr. Maxwell.

2751. You split it?—Yes.

2752. Then you had not voted for the two Tories, only for one?—Only for one.

2753. Did you see Mr. Whitton after that?—Yes.

2754. Did you go to work after the election, as usual?—Yes.

2755. Where did you go to?—I went to where they was working.

2756. You went to the job where the job was?—Yes, where I had been before.

2757. Did you see the foreman?—I see'd a man that told me I was not to start till I saw Mr. Whitton.

2758. Was that the same job that you had worked on when he paid you on Saturday night the 13 s. 6 d.?—Yes.

2759. Did you wait till Mr. Whitton came? No, I went to him.

2760. What did you say to him?—I asked him the reason why I was not to start work.

2761. What said he to that?—He said he was not going to have so many hands.

2762. What did you say?—I said, "Well, it looked very queer, as he was setting a fresh man on.

2763. What did he say?—He hardly give me an answer to it; he said he had no more for me to do.

2764. And so you went about your business?—Yes.

Mr. Serjeant *Ballantine*.] I do not see how this bears upon the issue.

Mr. Baron *Martin*.] The Act says, "Every person who shall, directly or indirectly, by himself or by any other person, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted, shall be deemed to have committed the offence of undue influence."

Cross-examined by Mr. Serjeant *Ballantine*.

2765. Were you told that you were too weak for the job?—No; nor yet found fault with.

[The Witness withdrew.

JOHN ROBERT HALL, sworn; Examined by Mr. *Waddy*.

2766. ARE you a freeman?—Yes.

2767. Free-born, I believe?—Yes.

2768. And you took up your freedom last year?—Yes.

90.

2769. Were you apprenticed to Mr. Marmaduke Whitton?—Yes.

2770. Your apprenticeship, I believe, expired in January last year, and after that time you remained

G.
Sanderson.
10 March
1869.

G. Atkinson.

J. R. Hall.

J. R. Hall. remained with Mr. Whitton as a journeyman?—Yes.

10 March 1869. 2771. Just before the election were you canvassed for your vote for the Parliamentary election?—Yes.

2772. Were you canvassed at the shop of Mr. Whitton, where you worked?—Yes.

2773. Will you tell me the names of some of the gentlemen who canvassed you?—They was Mr. Whitton, and both of the Members.

2774. Mr. Baron *Martin.*] They were together, Mr. Whitton and the Members, were they?—Yes, and Mr. Cliffe; I cannot remember some of the others.

2775. Mr. *Waddy.*] Was Mr. Bainton there?—Yes.

2776. Mr. Arden?—I will not positively say.

2777. Do you remember whether you were canvassed once or more than once by those gentlemen?—It was only once at the shop, but they came to our house, but I was not there.

2778. Confine your attention to that occasion when those gentlemen were present, and tell me did your master speak to you, and ask you how you would vote?—Yes.

2779. Just tell us what passed at that time?—I told him that I should not promise him, because I did not know what I should do before the day, and Mr. Whitton asked me what for.

2780. Mr. Baron *Martin.*] Was this when the other gentlemen were present?—Yes; I told them because I did not like promising, as I might break my promise; he went on for a length of time till they got my name down.

2781. Mr. Baron *Martin.*] Did you then promise to vote?—I did in a manner; but I told them I should not be obliged to vote for them if I did; but they would have my name, and so they got it.

2782. Mr. *Waddy.*] On the morning of the election day, a little after eight o'clock, did you see Messrs. Kemplay, Hodgson, and Mead?—Yes.

2783. Did they come to your house, and wish you to go and vote?—Yes.

2784. For which party were they canvassing?—For the Conservative party.

2785. I believe you declined to vote?—Yes.

2786. What did you tell them finally?—I told

them I should not go at all, because I considered to go the other way.

2787. About half-past 11 o'clock did your master, Mr. Whitton, come?—Yes.

2788. Where were you when he came to you?—I was in the building.

2789. In Mr. Whitton's building, do you mean?—Yes.

2790. Mr. Baron *Martin.*] In the workshop?—No, in the building that was erecting.

2791. Mr. *Waddy.*] Tell us what took place between your master and yourself then?—He only asked me if I knew where to vote, and I told him yes; and he hoped I should vote for them; I did not give him any answer then, and he went away.

2792. Did you go and vote about two o'clock in the afternoon?—Yes.

2793. Which way?—For the Liberal party.

2794. Next morning, about eight o'clock, did your master come into the shop?—No, not in the shop.

2795. Did you see him next morning early?—Yes.

2796. Where?—In the building.

2797. What happened then?—He said, "You have gone straight against us."

2798. What did you say to that?—I told him I had.

2799. What did he say to that?—He said I was "a damned fool."

2800. What else did he say?—I told him I was not, and he said I was; and I said there was plenty more.

2801. Mr. Baron *Martin.*] Was anything else said?—He said he should pay me off.

2802. Did he do so?—Yes, he has done so.

2803. He has discharged you?—Yes.

2804. Mr. *Waddy.*] When did he discharge you?—Three weeks after, I think it was.

2805. Before that time had he ever complained about your work?—No.

2806. Before the election day?—No.

2807. Had his foreman complained of your work at all?—No.

2808. At the time he turned you away was his work diminished?—No, he had plenty of work.

[The Witness withdrew.]

JOSEPH ELLIOTT, sworn; Examined by Mr. Serjeant *Sargood.*

J. Elliott. 2809. WHEN did you take up your freedom?—In 1861, I believe it was.

2810. Who paid the money for you?—I had not funds to take my freedom up, and I got it taken up through Mr. Wreghitt.

2811. Do you remember how much you got from him?—£.2. 10s.; my servitude was my freedom.

2812. Was there any condition upon which Mr. Wreghitt paid the money?—Of course I was to support his principles.

2813. Do not say of course; did he say so?—Yes.

2814. What did he say to you; what did he bargain for, if anything?—Of course that was it.

2815. Do not say of course that was it?—He took it up on the condition that I supported his principles.

2816. Did he mention any gentlemen's names to you?—No; I do not think he did.

2817. Have you been in the habit of working for Mr. Whitton during the last five or six years?—Yes, off and on several times.

2818. Mr. Baron *Martin.*] Are you a joiner or a bricklayer?—A joiner.

2819. Mr. Serjeant *Sargood.*] Did you begin to work for him about the month of April in last year?—Yes.

2820. Did you continue to work for him down to the time of the Parliamentary election?—Yes.

2821. Do you remember the last municipal election?—Yes.

2822. Were you a voter at that?—Yes.

2823. Did Mr. Whitton say anything to you on the morning of that day about your voting?—Yes.

2824. What did he say?—He came into the shop where there was several workmen that had votes,

votes, and he said they had commenced with 10s. a man, and we was to be off.

2825. You mean, go away and vote?—Yes; go away and vote, of course.

2826. Did you and the others then go to vote?—Yes.

2827. Before you voted, did you meet with any one else who spoke about how much was to be paid?—Me and another went down to Dickenson's shop; no, it was Padget's shop.

2828. Who did you see there?—Mr. Nutchey.

2829. David Nutchey?—Yes.

2830. Anybody else?—There was several other people there.

2831. Did you see Browsho?—Yes.

2832. Do you remember anybody else?—Not particular; I did not notice.

2833. Did you speak to Nutchey about the subject?—Yes.

2834. What did he say to you?—He said he would give us 15s. each.

2835. Did you agree to accept it?—No; Mr. Browsho, the stonemason, was present, and we bargained with him.

2836. How much did you settle you were to have with Browsho?—Seventeen shillings and sixpence; 15s. from Nutchey, and Browsho he would give the other half-a-crown out of his own pocket.

2837. Who went with you to vote?—Mr. Browsho.

2838. Were you paid after you had voted?—Yes.

2839. Who paid you?—Mr. Browsho, outside the Guildhall.

2840. He gave you the extra half-a-crown as well as the 15s.?—Yes.

2841. Did you see where he got the 15s. from?—I could not positively swear, but I believe Mr. Nutchey gave it him.

2842. After this I believe you made a holiday for the rest of the day; did you go back to work as usual at Mr. Whitton's?—Not that day.

2843. But afterwards?—Yes, the following day.

2844. And then the Parliamentary election happened about a fortnight afterwards?—Yes, about that time.

2845. Before that Parliamentary election were you asked for your vote by Sir Henry and Mr. Kennard personally?—Yes, they called at my house, and several of the canvassers with them.

2846. Whom do you remember coming with them?—There was Mr. Cliff and Mr. Wreghitt, and I believe Mr. Cleaver was one, I did not take particular notice.

2847. Do you remember Mr. Kemplay at all?—Yes, he was with them.

2848. McCoy, did you see him?—Yes, I think he was with Mr. Bainton, the solicitor.

2849. Mr. Bainton is a solicitor, and McCoy is in his employ?—Yes.

2850. They were with the gentlemen canvassing?—Yes.

2851. Did Sir Henry Edwards ask for your vote?—Yes.

2852. What did you say?—I said I would not promise.

2853. What happened then?—They persevered to try to get it, the same as all canvassers do, but I would not promise, and so it passed off.

2854. Do you remember the Saturday before the Parliamentary election, the day the wages were paid?—Yes, quite well.

2855. Did you see Mr. Whitton when the wages were being paid at the pay table?—Yes, of course, he paid me.

2856. Did he say anything to you then?—Yes.

2857. Tell us what it was?—He said that he had heard as I was going against them.

2858. What did you say?—I said I had not promised either party; well he says, "Sir Henry Edwards has been a very good gentleman to the town of Beverley." I said I believed he had, and he said no doubt Mr. Kennard would be one too; but I said I would not promise for all that.

2859. Did you go to work as usual on the following Monday?—Yes.

2860. And on the Tuesday was the election day?—Yes.

2861. Did Mr. Whitton say anything to you early in the morning?—I met him in Tiger-lane, and of course he asked me to go and vote for Sir Henry Edwards and Mr. Kennard, and I put it off, and said I should be all right; that was all that passed that morning.

2862. You did vote for Maxwell and Trollope, the two Liberals?—Yes.

2863. Your own views being of that sort?—Yes.

2864. Did you go to work next morning?—I went to work the following morning after the election.

2865. The following morning was on the Wednesday?—Yes.

2866. While you were there and the foreman was there, did you see Mr. Whitton?—Yes, Mr. Whitton came in the shop.

2867. What did he say to the foreman?—He said, "Is he fit to work?" that was me.

2868. What did the foreman say?—The foreman said Joseph is all right.

2869. Were you in good health as usual?—Yes.

2870. Nothing the matter with you?—No.

2871. He said you were all right; what did Mr. Whitton say then?—He said, "Oh, you went dead against us."

2872. What did you say?—I said "Yes"; I went for principle.

2873. What did Mr. Whitton say?—He said I had got no principle.

2874. Did he say anything else?—He was in a very bad humour; he did not say much more, but he said, "I will remember you for it."

2875. Did you go up on the following Saturday for your wages at the end of the week's work?—Yes.

2876. What did the foreman do, did he pay you?—The foreman did not pay me.

2877. Did Mr. Whitton pay you?—Yes.

2878. What did he say?—All went off quietly, there was nothing more said then.

2879. When was anything said?—I believe it would be 10 days, or two Saturdays, before Christmas.

2880. On the Saturday that you were paid, what did they tell you?—We was working out of the town; we was rather late in getting home, and so we thought the foreman should get our wages without going to trouble the master; he paid us, and he paid John Robert Hall off first, and he said, "I am very sorry to say that master has done with you"; he said, "it is dirty work, it is all electioneering work."

2881. What is the foreman's name?—Matthew Robinson.

H 4

2882. He

J. Elliott.

10 March
1869.

J. Elliott.
—
10 March
1869.

2882. He said to your fellow-workman Hall, that he was sorry to say that master had done with him?—Yes, and he begged hard for a week; we ought to have had a week's notice, at any rate.

2883. Mr. Baron *Martin*.] The foreman said this to Hall?—Yes.

2884. Mr. Serjeant *Sargood*.] He begged hard for a week's notice, but he could not get it?—Yes, that was so.

2885. Did he then pay you, and give you notice?—Yes, he gave me the same; he said, "You are the same"; I said, "It is all right, it is what I expected, according to what he said he would remember me."

2886. Did you say anything more about the people who were kept on in employment?—There was one man there, and is now, that had not a tool at all, quite a stranger, and I thought

it was very strange he should pay two off, especially one that had been apprenticed with him, and a stranger he keeps on that had not a tool at all, and paid two off because they polled the opposite side.

2887. Mr. Serjeant *Ballantine*.] Is that what you said?—Yes, to the foreman.

2888. Mr. Serjeant *Sargood*.] I understand you, this is what you said to the foreman, "I think it is very strange he should keep a man on, a stranger, who has got no tools at all, and turn off a man who was his own apprentice, who has got tools"?—Yes.

2889. What did the foreman say?—He said it was dirty work.

2890. Anything else?—No.

[The Witness withdrew.

GEORGE SLATER, sworn; Examined by Mr. *Waddy*.

G. Slater.
—

2891. How old are you?—Seventy-one.

2892. Are you an inmate of some almshouses in this neighbourhood, called the "Maison Dieu"?—Yes.

2893. Are you enabled to vote at the Parliamentary election?—Yes.

2894. Who is it puts the people into those houses where you live; is it the corporation patronage?—Yes.

2895. Before the Parliamentary election, did Mr. Wreghitt pay you a visit?—He came and said he had a bit of a bother to get the place for me; that was all.

2896. To get you in as an inmate of the place?—Yes.

2897. Did he say anything to you about the election?—No, he said nowt about that; there was nowt mentioned about it.

2898. Not at any time?—No.

2899. Was your vote ever asked for on behalf of Sir Henry Edwards and Mr. Kennard?—They axed for the vote, and I gave them one; I meant to poll that way at first.

2900. Who asked you for it; did Mr. Wreghitt ask you for it?—Yes, that was all.

2901. At the same time that he told you he had had great difficulty to get you in, or a bit of a bother, or whatever it was?—He said he had a bit of trouble to get the place for me, that was all.

2902. Was it the same day and the same visit; was it on the same morning or afternoon?—I do not know nowt what to say

[The Witness withdrew.

WILLIAM JARVIS, sworn; Examined by Mr. *Waddy*.

W. Jarvis.
—

2903. WERE you a voter at the municipal election?—Yes.

2904. Were you paid for your vote?—Of course.

2905. Who paid you?—James Haddlesey.

2906. How much?—15s.

2907. Where did you get the 15s.?—I got it in the street.

2908. What time in the day, as near as you can remember, did you poll?—I do not know, I am sure; some time about dinner time, I believe; I believe that is right.

2909. Did you vote crimson; did you vote Tory?—I voted for Mr. Whitton.

2910. Mr. Whitton was one of the candidates, was he?—Yes.

2911. At the Parliamentary election, whom did you vote for?—I forget what they call them.

2912. Messrs. Edwards and Kennard, was it not?—Yes, Mr. Edwards and Captain Kennard.

[The Witness withdrew.

ISAAC COOKE, sworn; Examined by Mr. Serjeant *Sargood*.

I. Cooke.
—

2913. DID you vote at the municipal election?—Yes.

2914. For the Tories?—Yes.

2915. At what price?—Half-a-sovereign.

2916. Mr. Baron *Martin*.] What o'clock was that?—Ten in the morning.

2917. Mr. Serjeant *Sargood*.] Who paid you?—David Nutchey.

2918. Whereabouts?—In the Market-place.

2919. Did you vote at the Parliamentary election?—Yes.

2920. Which way?—Edwards and Kennard.

Cross-examined by Mr. *Giffard*.

2921. I will just ask you, did you get anything for that?—I did not.

[The Witness withdrew.

SAMUEL BARRETT, sworn; Examined by Mr. *Waddy*.

2922. Did you vote for the Conservatives at the municipal election?—Yes.

2923. What time in the day?—A little before 12.

2924. What did you get for your vote?—A sovereign.

2925. Who gave it you?—Mr. Robert Thirsk.

2926. Where?—In Dickenson's shop.

2927. Just tell me, how did you vote in the Parliamentary election?—For Sir Henry Edwards and Mr. Trollope.

S. Barrett.
—
10 March
1869.

Cross-examined by Mr. *Giffard*.

2928. Did you get anything for that?—No.

[The Witness withdrew.]

THOMAS FOSTER, sworn; Examined by Mr. *Waddy*.

2929. How did you vote at the municipal election?—For the Conservatives.

2930. What time in the day?—About half-past 12.

2931. How much were you paid for your vote?—Seventeen shillings and sixpence.

2932. By whom?—Mr. Richmond.

2933. Where?—Just going into the Market-place, in Toll Gavel.

2934. It was not in a house; it was in the street?—Yes, in the street.

2935. Did you afterwards vote in the Parliamentary election?—Yes.

T. Foster.
—

2936. How did you vote?—Edwards and Kennard.

Cross-examined by Mr. *Giffard*.

2937. Did you get anything for that vote?—No.

[The Witness withdrew.]

ROBERT CASTLE, sworn; Examined by Mr. Serjeant *Sargood*.

2938. Did you vote at the municipal election?—Yes.

2939. What time in the day?—About 11 o'clock.

2940. For the Tories?—Yes.

2941. How much did you get?—£.1.

2942. Who paid you?—David Nutchey.

2943. Where?—In Mrs. Padget's.

2944. You voted at the Parliamentary election?—Yes.

2945. Who for?—Edwards and Kennard.

R. Castle.
—

2946. You did not receive anything more?—No.

Cross-examined by Mr. *Giffard*.

2947. Did you get anything for your vote at the Parliamentary election?—No.

[The Witness withdrew.]

THOMAS SUMNER, sworn; Examined by Mr. *Waddy*.

2948. How did you vote at the municipal election?—I voted for the Conservatives.

2949. What time in the day did you vote, about?—I am sure I do not know rightly.

2950. As near as you can remember?—It would be half-past 10 o'clock.

2951. What did you get for your vote?—Seventeen shillings and sixpence.

2952. Who paid you?—Joseph Elliott.

2953. Where were you paid it?—I am sure I cannot say.

2954. Was it in a house or in the street?—I cannot say where it was paid; I am sure I do

not remember whether I was in a house, or whether I was coming away. *T. Sumner.*
—

2955. Coming away from where?—From voting.

2956. Did you afterwards vote at the Parliamentary election?—Yes.

2957. How much did you get for that?—Nothing.

2958. For whom did you vote?—For Mr. Edwards and Kennard.

[The Witness withdrew.]

EDWARD CHRISTIAN, sworn; Examined by Mr. Serjeant *Sargood*.

2959. Did you vote at the municipal election?—I did.

2960. Did you vote Tory?—Yes.

2961. At what hour of the day?—Ten o'clock in the morning.

2962. How much?—Fifteen shillings.

2963. Who paid you?—Mr. Richmond.

2964. Whereabouts?—Part of it in my own house.

90.

2965. How much in your own house?—Ten shillings.

2966. Was that before the vote?—Before the vote.

2967. How much after the vote?—Part, 5 s., to my wife in the street.

2968. After the vote?—After the vote.

2969. Was the 5 s. to your wife before you had voted?—The 10 s. was.

I

2970. That

E. Christian.
—

E. Christian. 2970. That was paid your wife in the street?
 —In the morning 10 s. was paid, and 5 s. in the street afterwards.

10 March 1869. 2971. After voting what led to the extra 5 s.?
 —Because Mr. Richmond had not sufficient change to give me the 15 s. in the whole.

2972. Your bargain was for 15 s., and you got 10 s. on account?—No bargain I do not suppose was ever made.

2973. But when you got the 10 s., did you expect to have the other 5 s.?—Yes.

2974. Why?—Because that was the current price, I suppose.

2975. You voted Tory at the municipal election?—I did.

2976. Did you vote at the Parliamentary election afterwards?—I did.

2977. Which way?—Conservative.

2978. Do not sigh over it?—I am not sorry for it.

Cross-examined by Mr. *Giffard*.

2979. Did you get anything for your vote at the borough election?—Nothing.

[The Witness withdrew.]

Mr. Serjeant *Sargood*.] That is my case, my Lord. I will just put in the accounts as a matter of form.

Mr. *Giffard*.] We did not waste time by cross-examining upon it, because the returns show what the fact is that when Mr. George Sugdon voted the numbers were 153, 149, and 139, for the three Liberals; and at the close of the poll the same names exhibited 224, 219, and 202. Your Lordship will remember the argument used about the Liberals giving over; and, my Lord, without going exactly through it, you will find that at the very end of the poll there were a considerable number of Liberals still voting.

Mr. Serjeant *Ballantine* was heard to address his Lordship in opening the case on behalf of the respondents.

[Adjourned to To-morrow, at Ten o'clock.]

Thursday, 11th March 1869.

Mr. RICHARD NORFOLK, sworn; Examined by Mr. Giffard.

2980. Is your name Richard Norfolk?—Yes.

2981. Were you a candidate at the last municipal election for St. Mary's Ward?—If your Lordship requests me to answer all the questions that are put to me I will do so.

Mr. Baron Martin.] I will tell you what the Act of Parliament says: it provides that "no person who is called as a witness in a case like this, shall be excused from answering any question relating to any corrupt practice at, or connected with, any election forming the subject of the inquiry, on the ground that the answer thereto may tend to criminate himself," and therefore you cannot refuse to answer any question relating to a corrupt practice connected with the borough election in this place; then it is provided that, "Where a witness shall answer every question relating to the matter as to which he shall be required to answer, and the answers to which may criminate, or tend to criminate him, he shall be entitled to receive"; (now it will be from the Judge) "a certificate stating that the witness was upon his examination, required by the Judge to answer questions relating to the matters aforesaid, and if in consequence of the answers given to such questions, any information, or indictment, or action, be brought against him, the certificate of the Judge will protect him"; you will be protected in answering questions relating to the borough election.

The Witness.] Thank you, my Lord.

2982. Mr. Giffard.] You were a candidate for St. Mary's Ward at the last municipal election?—I was.

2983. Had you any particular reason for being desirous of being elected for that ward?—Only the reason of being a town councillor, or the object of being one.

2984. Did that render you eligible for the office of mayor?—I presume so, in due course.

2985. Was that the object of your ambition—to become mayor at the time of the Agricultural Show?—No; it was impossible; it could not happen in that year.

2986. When is the Agricultural Show?—This year.

2987. You desired to be a town councillor, at all events?—Yes.

2988. Did you take any course on the day of the municipal election; what was it, and why?—I attended previous meetings of the Conservative association, and after talking over all matters that were relative thereto, it was agreed amongst ourselves and the candidates that we should try to get ourselves elected, and that I should be the individual to find the means to secure that election, to be reimbursed *pro ratâ* by the other candidates.

2989. Who were the other candidates, the 90.

parties to this agreement?—In other words, that we were to pay our own expenses; I was to find the money, and it was to be settled up afterwards.

2990. Who were the parties to that agreement?—We had none; it was all verbal.

2991. I mean that arrangement?—Mr. J. B. Lowther.

Mr. Baron Martin.] I should be sorry that you should give your evidence under a misapprehension; no certificate of mine will protect you from this.

Mr. Serjeant Ballantine.] I have considered the question, and I think we put Witness in no peril.

Mr. Giffard.] I think the proviso is entirely independent of the certificate.

Mr. Baron Martin.] I think not, but you had better proceed.

2992. Mr. Giffard (to the Witness).] Had Sir Henry Edwards or Captain Kennard anything directly or indirectly to do with that arrangement?—No.

2993. Did they know anything about it?—I had not a word to know anything about it; I had no communication with them.

2994. Did you, in pursuance of that arrangement, find the money?—I did.

2995. For the municipal election?—Yes.

2996. Did you take any part yourself in the general election?—No, I did not take any active part beyond speaking on the occasion of seconding the nomination of Sir Henry Edwards; I took no other part.

2997. How came you to do that?—Mr. Alderman Arden asked me to do so, and I consented; it is uncertain whether I spoke either once or twice, I could not say; I was speaking on the occasion of seconding the nomination of Sir Henry.

2998. You did that, as I understand, at the request of Mr. Alderman Arden?—Yes.

2999. You are, I believe, connected both by office, and you have shares in this company?—Yes.

3000. Mr. Baron Martin.] What is your office?—I am the managing director of the company.

3001. Of the Waggon Company?—Yes.

3002. Mr. Giffard.] And you hold shares in it?—Yes; I am obliged to hold shares to be qualified as a director.

3003. You have told me generally that you provided the money for the municipal election in pursuance of that arrangement; has Sir Henry Edwards or Captain Kennard contributed anything towards those expenses?—No, not a penny.

Cross-examined by Mr. Serjeant Sargood.

3004. When did you first become a resident here?—I think about four years ago, I cannot say exactly; it may be four and a half years; I have

Mr.
R. Norfolk.
11 March
1869.

Mr.
R. Norfolk.
—
11 March
1869.

have resided in the town for about five years, but I have not been an occupier above four and a half years.

3005. That was just my question, when you became a resident, not an occupier?—About four and a half years I have been resident.

3006. Was that before or after the foundation of the Beverley Iron and Waggon Company, Limited?—It was after.

3007. How soon after was it?—Half a year, or as near as I can say.

3008. Mr. Baron *Martin*.] It was about half a year?—Yes, within five or six months.

3009. Mr. Serjeant *Sargood*.] By whose invitation did you join the Waggon Company?—I joined the Waggon Company simply as a shareholder; I took shares in the company.

3010. By whose suggestion?—I will answer your questions if you will put them direct; I saw the prospectus, and in the same way as any other gentleman I took shares.

3011. By whose introduction, or suggestion, or recommendation was the matter introduced to you?—By a man of the name of Hancock; he brought the prospectus and asked me to take shares; I was an acquaintance of his.

3012. Did you take shares upon that without any communication with other parties connected with the concern?—Without any.

3013. May I ask you what part you had come from before you came here?—I had previously resided in Manchester; I resided in Liverpool before I came here; I resided in Liverpool at the time I took the shares.

3014. Were you in business at Liverpool?—Yes.

3015. What was your occupation there?—I was a timber merchant in Liverpool; it was a partial occupation that I had.

3016. What was the other occupation?—I was an embroiderer in the city of Manchester, I brought out an embroidery machine, being an engineer; I was a partner in a concern in Manchester, and also in the firm of William Rutherford and Co., in Liverpool.

3017. Did you retire from those two partnerships when you came here?—No.

3018. Perhaps you are in them still?—No.

3019. When did you cease to be a partner there?—I ceased to be a partner in one of them about three months, as near as I can say; or probably it might be about the time that I came here, and in the other about half a year afterwards.

3020. Did you withdraw any large amount of capital from either of those concerns?—No; both of them were very unfortunate to me; I had a large amount to pay.

3021. What number of shares did you take in the Waggon Company?—One hundred and fifty.

3022. Were they 20 l. shares?—Yes.

3023. You do not mean to say that you paid 20 l. for them?—No; there are 14 l. paid up to the present time.

3024. What emolument do you get from the Waggon Company, Limited?—£800 per annum.

3025. Mr. Baron *Martin*.] As a salary?—Yes, my Lord.

3026. Mr. Serjeant *Sargood*.] Is this the prospectus (*handing the same to the Witness*) that you refer to?—I should say so, speaking from memory.

3027. You probably inquired into the nature of the business before you risked your capital in

it?—I inquired; I asked Mr. Hancock, and he assured me that it was a very profitable concern, in accordance with the prospectus.

3028. And this was Sir Henry's first connection with it, joining the company on becoming the chairman of it?—I fancy so; the first time that I saw him was at a meeting to which I was invited with other people; that was the very first time I ever saw him in my life.

3029. I noticed this particular paragraph in the prospectus, "The profits arising from the conduct of the business for the last eight years have been such that the promoters can, with confidence, advise that upon the proposed contributions, interest after the rate of at least 15 per cent. can be realised after paying every reasonable expense and deduction"?—Yes.

3030. Did you hear what your secretary, Mr. Usher, said the other day, when he was in the box; he rather depreciated the prosperity of this affair at the time it was launched?—I heard what he said.

3031. You did?—Yes.

3032. He rather surprised you, perhaps?—No he did not.

3033. Mr. Baron *Martin*.] Have you Messrs. Crosskill's patents?—I am not aware that they have any, or ever had; they might have had some; I have some patents of my own.

3034. Mr. Serjeant *Sargood*.] Did you hear what my learned friend, Mr. Serjeant Ballantine, stated yesterday, that Mr. Crosskill had entered into a covenant with the company not to trade, and that in spite of that, they had carried it on?—I heard Mr. Serjeant Ballantine say so.

3035. Did that surprise you?—I had never heard it before; I was not aware of such a thing.

3036. Have you heard this: that upon parting with the property, Mr. Crosskill was to have 25,000 l., and that those who continued it were not to use his name beyond the following month of October; have you heard that?—Never; I heard that Mr. Crosskill had got 25,000 l., but I never heard the other.

3037. Did you ever hear of the suit that he instituted against the bankers who had got hold of his property?—I heard of that, and that he got 25,000 l.; that was one of the terms of the settlement, I know.

3038. You did not know as between the bankers and Mr. Crosskill, in addition to the 25,000 l., that it was part of the contract that Messrs. Bower, Hall and Company, should be at liberty within 12 months to sell any articles already made, or partly made, bearing the name of Crosskill, but that no new articles should be made with that name after the 1st of October which then followed, and this is dated in the month of July 1863?—I never heard of that before, it would be before I came to the town; I did not know anything about it.

3039. You have told us that your ambition was to become a town councillor?—Yes.

3040. Why did you want to become a town councillor?—Simply because Mr. Crosskill was one, I presume; that is the best answer I can give, or perhaps I wanted to be one; I thought as the representative here of the largest rate-paying establishment in the town, an institution that did more benefit to it than half-a-dozen others, I had a right to have a voice in the councils of the town.

3041. You thought that you had a right to have

have a voice in the councils of the town?—Yes, I did.

3042. Commercially speaking, you thought that you ought to be represented?—No; I did not take that view of it; I thought I had a right.

3043. Did you not take that view of it?—No.

3044. I will remind you of what you said at a former meeting, a few days after you were elected, as to your objects, did you not take this view of it: that your object was to be commercially represented in the town council, to protect the Waggon Company (Limited)?—I am not aware I said so.

3045. It was after dinner, I will admit?—It is a very good job it was; I am certainly not aware that I said so; I might have done.

3046. Do you know Mr. Whiting?—Yes.

3047. While you and half-a-dozen others had a gossip after your recent election, did you not tell him that your object in getting into the town council was to protect the Waggon Works Company (Limited), you having had some disputes with the corporation about not consuming your own smoke?—It is probable that I might have said so, but I am not certain that I said so.

Mr. Baron *Martin*.] There was no harm in his saying it.

Mr. Serjeant *Sargood*.] No harm at all, my Lord.

The *Witness*.] I might have said so.

3048. The shadowy vision of the mayor and chains never entered into your head?—I leave that to you.

3049. Having decided upon the gratification of this object, whatever might be its motive, another gentleman, Mr. Usher, that I have spoken to you about, went in for the other ward?—He was in previously.

3050. Mr. Baron *Martin*.] He is another man who is connected with you; is he a director?—He is secretary of the company.

3051. He was a town councillor in another ward?—He was, my Lord.

3052. Mr. Serjeant *Sargood*.] Had he not gone out of office by effluxion of time, and was he not put up as a candidate last year, when you were?—Yes.

3053. You were up for St. Mary's, the smaller ward of the two?—Yes.

3054. And he was up for Minster, the larger one?—Yes, he was.

3055. How many were up altogether?—There are three in each ward.

3056. Tell me the names of the two gentlemen who were candidates with you in St. Mary's Ward?—Mr. L. Whitton and Francis Denton; Marmaduke Lowther Whitton, Francis Denton, and myself.

3057. Mr. Whitton is the same gentleman about whom my learned friend was very properly indignant yesterday, a builder?—He is a builder.

3058. Mr. Serjeant *Ballantine*.] No, I was indignant, assuming it to be true?—I do not know: I was not in court.

3059. Mr. Serjeant *Sargood*.] But that is the same gentleman?—Yes.

3060. Who were put up with the secretary, Mr. Usher, in the other ward?—I. B. Lowther and Mr. Catterson.

3061. You say that you all met at this Con-

servative association?—No, I did not say all of us.

3062. But some of you?—Yes.

3063. Were you all members of it?—I was a member of it.

3064. Were the others members?—I am not aware; I was only at the Conservative association on one occasion.

3065. It was an important one; it was when they settled the list?—No, after being nominated; if I stated it so I stated it incorrectly; it is a mistake; after we had been nominated at the Conservative association, we met afterwards at the "White Horse."

3066. Mr. Baron *Martin*.] You had been nominated there before?—Yes, but I was not present, and I do not know who was there.

3067. Mr. Serjeant *Sargood*.] Who communicated to you the honour that the association had done you?—I am really unable to say; I do not remember.

3068. Might it have been Wreghitt?—No, I never heard anything from him about it; I am certain that he did not communicate it to me.

3069. When you use the word "nominated," you mean that the society had approved of a list?—I suppose so; I was not present.

3070. You knew that you were nominated to a public place when you were elected?—I presume so; I was not present to see.

3071. You mean by that that the society approved of you?—I presume so; but I was not present either at one or the other.

3072. Tell me where it was that you and your friends met when you arranged that little matter about the mode of paying the expenses?—We met at the "White Horse."

3073. Is that Mr. Burrell's house?—Yes.

3074. Then I understand that you were to find the money, and that they were to reimburse you their respective shares, as you said, *pro ratâ*?—I was to find the money, and each of them would pay their share.

3075. But *pro ratâ*?—There were only three of us present.

3076. Who were they?—Mr. Lowther was present; he represented the Minster Ward, and spoke for all of them; I was present, and Mr. M. L. Whitton was present; that is, to the best of my memory; there were probably a score of people present, but I cannot remember who were the persons; it was an arrangement made at that meeting.

3077. What do you mean by a "score of people"; was it a public meeting or a private dinner, or what?—There was a score of persons in the room, certainly.

3078. Were they intruders or visitors?—I cannot say; there were persons in the room.

3079. You can say who they were, can you not?—I cannot; I do not remember.

3080. You do not know what business they had there?—It is a public-house, and I presume that they came in to get drink; they were all members of the Conservative party that were present, so far as I know.

3081. Then you say that the Minster Ward was represented by one of the three?—Yes.

3082. And your own secretary, Mr. Usher, was one of the candidates?—He was in Scotland at the time. I believe that he had wrote to me stating that he would stand with me and pay his share of the expenses. I have not seen the letter,

Mr. but I have heard that he wrote to me. I cannot say.
R. Norfolk.

11 March
 1869.

3083. Did you ever speak to Mr. Usher on the subject?—I asked him if he had done so, and he said that he had wrote from Scotland to Mr. Lowther stating that he would stand with me and pay his share. I asked him the question, and he said that he had done so, but I have not seen the letter.

3084. I am not quite sure that you and I will agree about the meaning of the words *pro ratâ*, which you used; if I am rightly informed the agreement was this, that five out of the six candidates should pay 5 *l.* each, and that you, being the sixth, should contribute 20 *l.*?—I never heard anything of the sort in my life, never before; we did not know what the expenses could possibly be under the circumstances, but we heard that the other party had a large sum of money.

3085. Am I to understand you to say that your five colleagues have backed out of their bargain, and paid you nothing?—There has not been anything paid in any way.

3086. That only answers half my question; have they backed out of the bargain, and repudiated it?—No, I am not aware that they have. I have never asked them for anything.

3087. Have you not sent in your little account yet?—No, it is not made up.

3088. You do not know how much it has cost?—No.

3089. As you are a commercial man, when you talk of a little account, is there any book in which you have totted up how far you have gone?—I have not any.

3090. You have been subpoenaed to produce it; who kept it?—I have not been subpoenaed to produce it.

3091. Have you been subpoenaed at all?—Yes.

3092. Have you read the subpoena?—Yes.

3093. Who does keep the book?—I cannot say. I do not know.

3094. Mr. Baron *Martin*.] You do not know who kept the account?—No.

3095. Mr. Serjeant *Sargood*.] That is an embarrassing thing to a commercial man, is it not, who wants to settle accounts with his five partners?—Very.

3096. Have you ever complained to your colleagues that they have not contributed anything?—No.

3097. It is attributable to your own liberality in not pressing the subject at present?—No; I do not think so. The only reason I have to give is that the other election was on so soon that we have not had time to arrange anything, and we have not done so; in fact, we have not done anything.

3098. The election was last November; we are in March now?—Yes, I am aware of that.

3099. That is four months?—Yes, it is a long time.

3100. And an expenditure of one or two days you have not been able to make out?—I do not know where the book is to enter it from.

3101. How then shall you make it out, at your leisure?—I can very easily make it out.

3102. Very easily?—Yes.

3103. As the contest was to be a severe one, and you had heard that the other side had a large sum, what amount of capital did you provide for this expense?—£.800.

3104. Mr. Baron *Martin*.] It was 800 *l.*?—Yes, my Lord.

3105. Mr. Serjeant *Sargood*.] Was it worth

all that to contest a smoky chimney question in the corporation?—No, I do not think it was.

3106. Is there anything else in the position of a town councillor that is worth the 800 *l.*, if that was not?—It was only about 100 and odd pounds each. It was not for my position; it was for the whole of the positions. It gave them the power of electing aldermen, provided these could be got in; consequently in taking nine seats, it was only a very reasonable amount.

3107. Six men with 800 *l.* between them, and I want to know if there was anything else that would make it worth the money?—I am not aware of anything else, I say.

3108. Is there anything beyond the smoke question; I asked you whether the smoke question was worth it, and you said no: is there anything beyond that that makes it worth the money?—There were six seats in the council, and the smoke question; and it would give the council the power to elect aldermen. There are the nine seats, and the smoke question included.

3109. Then you had an aggregate amount of 800 *l.* among you?—No; it cost so much on account of the money that would be spent by the other side. If you start on a contest, you cannot start with your hands tied behind you very well.

3110. It was the amount of money that was spent by the other side that drove you to the 800 *l.*?—I had no idea that it would cost half so much.

3111. Do you swear that?—I believe so; I have been informed so.

3112. You heard Mr. Serjeant Ballantine speak yesterday?—No, I did not, only the close of it; I was not in court, and I heard very little of it. I have seen it in the paper this morning.

3113. Did you read it through?—Yes.

3114. Did you read there that he said, after the Liberals had given up, that you went on paying from a sense of personal honour, because the bargain was that all the Tories should be paid, whether they voted or not?—I had nothing to do with the paying.

3115. You do not answer the question; did you read that Mr. Serjeant Ballantine had been instructed to say that you went on paying after the Liberals had retired, from a sense of personal honour; because the bargain was that the Tories were to have their pay, whether they voted or not?—Yes, I read that in the paper.

3116. I ask you, not intending to criticise what Mr. Serjeant Ballantine said; but was the statement true as to you?—I could not say personally that I should have objected to it, but it was out of my hands.

3117. Then it is a mistake to suppose that you were actuated by any sense of personal honour in the matter?—No; so far as I was concerned, if I had promised anything I would perform it, and I presume that the other people who had money in their possession early in the day, if they made promises, would follow it in the same way.

3118. You would feel bound by any agreement that your representatives had made, would you?—I should, certainly.

3119. Who had you authorised to make personal contracts, in order to win the election?—For the St. Mary's Ward I gave money to Mr. Francis Burrell, an innkeeper.

3120. It is the same public-house which is mentioned in the election accounts of the candidates as the Tory committee-room, is it not?—Yes; I presume it is for all Conservative purposes

poses we frequent that house ; I do, at least, and it is a very respectable one.

3121. It was in St. Mary's Ward?—Yes.

3122. Did you entrust money to any other person but Mr. Burrell, in St. Mary's Ward?—No.

3123. Who represented you in the Minster Ward?—Mr. Lowther, Mr. J. R. Bentley, and Mr. Robert Thirsk.

3124. How much of the 800 *l.* did you give to Mr. Burrell, in your own ward?—I gave him on the Saturday, as well as I can remember, 50 *l.*, and about 150 *l.* early on the Monday ; that is as near as I can say.

3125. On the Monday you gave him 150 *l.*?—Yes ; in round numbers, say, a couple of hundred, as near as I can tell.

3126. As to the names in the other wards, how much did you give Mr. Lowther?—I gave him 300 *l.*

3127. When?—On the Saturday and on the Monday. I cannot possibly say how much I gave him on the Saturday.

3128. How much do you believe?—£.100, I should say ; but I cannot remember.

3129. And 200 *l.* on the Monday?—Yes, I should say so.

3130. How much did you give to the other gentlemen ; how much did you give to Mr. Bentley?—I gave him 100 *l.*

3131. On the Saturday?—I gave him about 20 *l.* on the Saturday, either more or less, I cannot say.

3132. And about 80 *l.* on the Monday?—Yes.

3133. Making 100 *l.* altogether?—Yes, as near as I can remember.

3134. How much did you give to Mr. Robert Thirsk?—I gave him 50 *l.*

3135. How much on the Saturday?—£.10 on the Saturday, and 40 *l.* on the Monday, in various sums, as he wanted it.

3136. I have got to 600 *l.* out of the 800 *l.* ; where did the other 200 *l.* go to?—As to the other 200 *l.*, I should spend about 20 *l.* myself.

3137. Out of the 200 *l.*?—Yes, as near as I can say. I am not aware that I spent over myself. I paid for cabs, and printing, &c.

3138. Cabs and printing would not make up the other 180 *l.*?—No.

3139. What did the cabs and the printing cost?—I should say only a trifle.

3140. Was it 20 *l.*?—I should think about that.

3141. Your 20 *l.* and their 20 *l.* make 40 *l.* ; I want 160 *l.* now?—I drew 800 *l.* out of my bank, and to the best of my recollection that is as far as I can tell you the cost ; there might be incidental expenses, but I cannot recollect them.

3142. You have left a deficiency of 160 *l.* ; I am curious to know what it means?—I drew 800 *l.* out of the bank, and those are, as near as I can say, the amounts I can remember parting with.

3143. Somehow or other 800 *l.* went in this affair?—To the best of my knowledge it went in the affair. I paid some other things. I cannot say I did not keep any account of them, certainly.

3144. Out of what bank did you draw it?—I drew it out of the Beverley Bank of Machell, Pease & Company.

3145. Do you keep a private account there of your own?—No.

3146. Do you keep a deposit account there?—No.

90.

3147. Are you, as managing director, entitled to sign cheques on behalf of the Waggon Company (Limited)?—Yes.

3148. Do they keep their account there?—No.

3149. Where do they keep their account?—At Bower, Hall & Company.

3150. Is that another bank in the town?—Yes.

3151. What fund did you draw upon at Pease & Company's for the 800 *l.*?—I went and spoke to the manager, and told him that I wanted it for municipal purposes, and I would be responsible for it if he would let me have it ; and he said that he would. I opened it purposely, in order to keep it separate from anything I had in connection with the Waggon Company. I asked him first for about from 400 *l.* to 500 *l.* ; it was estimated by Mr. Lowther that that would be the expense, and I asked to draw to the amount of 400 *l.* or 500 *l.*, and it ultimately ran up to 800 *l.*

3152. How long before the 2nd of November did you make this arrangement at Pease's Bank?—I believe I made it on the Friday previously, speaking from memory ; I cannot swear to it ; I spoke to the manager on two or three occasions. I believe I made it on the Friday, and drew the money out on the Saturday, but I cannot say ; I fancy it might have been done on the day previous.

3153. Did you draw it out by cheque?—Yes.

3154. How many cheques did you draw?—It might be three or four, I cannot speak to that ; I have no doubt that the manager will inform you if you ask him.

3155. Mr. Serjeant *Ballantine*.] Have you had them returned to you?—No.

3156. Mr. Serjeant *Sargood*.] You have not asked for them, I dare say?—No.

3157. You know that you had four people to give the money to?—Yes.

3158. And you gave instalments to each of them on two occasions?—Yes.

3159. Which made eight payments?—Yes.

3160. You think that three or four cheques were all you drew?—Yes, I think so.

3161. Did you draw them all at once?—No.

3162. All on the same day?—No.

3163. How many did you draw on the Saturday?—I should draw one on the Saturday and the other on the Monday.

3164. Three cheques did you draw on the Monday?—I cannot say ; I do not know whether I drew it in four or three cheques.

3165. But it was one or the other ; it was one on the Saturday and the remainder on the Monday?—To the best of my recollection.

3166. How much did you draw on the Saturday?—I think I drew 500 *l.* on the Saturday, but I cannot say ; I think so.

3167. How did you have it ; in what is called "short," or all in gold?—I had it both ways.

3168. No bank-notes, surely?—Yes, I think I had ; I do not know, I cannot say, I might have had ; I believe I had it in each way.

3169. At any rate, you got it?—Yes.

3170. You would not want 5 *l.* notes, would you?—I received it on the Saturday, and on the Monday I sent, I think.

3171. Did you go as high as a 5 *l.* note to any single man?—I am not aware that it went over 1 *l.* ; I did not pay one myself.

3172. Do you mean to state that you got any bank-notes amongst the money?—I might have.

3173. Do you mean to swear that you did?—

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I do

Mr.
R. Norfolk.

11 March
1869.

Mr.
R. Norfolk.

11 March
1869.

I do not mean to say anything; I will tell you the truth.

3174. You did not get any bank-notes on the Monday, did you?—No, decidedly not; they were all sovereigns and half-sovereigns; it was wanted for immediate use.

3175. You did not spend any on the Monday or on the Saturday, did you?—I cannot say that I did; it was spent.

3176. As a commercial man, and lavishing money in this way, do you mean to say that you do not know whether you got rid of your 500 l. on the Saturday?—I did not do anything of the sort.

3177. Not all on the Saturday?—No; I thought you asked me if those people representing me had spent it on the Saturday.

3178. You do not know whether they did?—No, not at all; I presume they applied it for the purpose.

3179. Has your colleague in St. Mary's Ward rendered you an account?—No, I never asked him for one.

3180. But he might have volunteered it as a trustee?—He has not done so.

3181. Has either of the three gentlemen in Mr. Usher's ward rendered you an account?—Only by saying that they had spent all the money; I have had no account, and I never expected one.

3182. You were very anxious to get in, of course?—Yes; after I had started, I was.

3183. You watched the election, I suppose, from hour to hour with great interest?—No; I never went into the town.

3184. Where were you?—At my office.

3185. Were you at the Waggon Works (Limited), all day?—Yes.

3186. Do you mean that?—I mean that I never came to the town till my usual dinner hour, when I walked through the town, at half-past 12 o'clock.

3187. Had they sent you down slips?—No; I have not ever seen one.

3188. Did they send messengers to report progress?—No; I am not aware that anyone did.

3189. You sat there till dinner time in a state of unalleviated anxiety?—No; I heard it, in general conversation, that we were ahead.

3190. General conversation was supplied to the office, although you had no special messengers?—Yes.

3191. When you went to dinner you found out, I suppose, that the general conversation was true?—Yes.

3192. That you were all right?—I heard so.

3193. That was at dinner time, at half-past 12 o'clock?—Yes; it would be about a quarter to one, when I should get into the town.

3194. Thereupon did you communicate with any of the almoners of your bounty, whom you had elected, those four gentlemen?—I saw Mr. Lowther and I told him to stop immediately; I saw him in the street, and he said that he would do so as soon as he could.

3195. What did you understand by that; did you ask him what it meant?—It meant the honourable arrangement, that if he had agreed with any men from the outskirts of the town to come in, I suppose it meant that he would pay them.

3196. Did not he say, "I cannot shut up in this way, I am under terms"?—No, he did not say anything of the sort.

3197. When he said, "I will stop as soon as I

can," you did not know what he meant then?—No, I understood it to mean that he would stop paying as soon as he could.

3198. Which phrase "as soon as he could" you did not quite understand?—I understood it to mean in what he said that if he was bound to pay anything to anyone he would have to pay it; I could not suspect anything.

3199. You did not suspect that he was bound to pay anybody?—No.

3200. What could he mean by saying, "I will leave off spending it as soon as I can"?—That if he had made any arrangement with any one he would be bound to pay them.

3201. Did you go to the other three gentlemen and tell them to stop as soon as they could?—No, I quietly walked through the town home, and I did not meet any others.

3202. But you went to one man who held a bag in a small district?—I did not go to him, I met him.

3203. Were you not anxious that the other three should not go on spending money?—I was not anxious about it in any way specially; the intention was that we should win, and I ordered them to do so.

3204. You had won at half-past 12, had you not?—It appears so.

3205. When you told them not to spend anything more, what did you do to stop the other three men?—I did not do anything, I was not acquainted with these things before; I was not a very efficient hand at them, I suppose.

3206. At what hour of the day will you undertake to swear that you drew out the money by means of two or three cheques on the Monday from Machall & Pease, the bankers?—I cannot say positively, I should say that I did not draw any out after 12 o'clock; at the same time I might have drawn some out after 12.

3207. I should say that you would not have drawn any money after 12 o'clock, but did you not as a fact draw any money after 12?—I cannot say, I am not aware that I did, I am as certain as I stand here that I did not draw it after 12 o'clock, but I will not swear it.

3208. What is your impression about it?—That it was all drawn out earlier than 12.

3209. Having supplied so large a sum on the Saturday night, what information had you received that could possibly induce you to draw out the remainder of the 800 l. before 12 o'clock in the day?—I was told that the Radicals were paying 25 s. a piece.

3210. Well?—And that if we meant to beat them we must pay equal to them; that Mr. Crosskill had got money from Maxwell and Trollope, and that they were determined to win at any cost, and we must beat them.

Mr. Baron Martin.] Who told you this?—

3211. Mr. Serjeant Sargood.] You were told that Mr. Crosskill had got money from Maxwell and Trollope and that they were determined to win; who told you that?—I heard it in general conversation, it was the general talk for days.

3212. It is easy to attack a fellow citizen in that way, but on your solemn oath will you tell me who said such a thing to you, be it true or false?—I believe that I heard it from Mr. I. B. Lowther, but I will not swear it, I heard it 20 times; but I cannot say where, or any nearer than that it was certainly talked of in the town by 20 people.

3213. Mr.

Mr.
R. Norfolk.
11 March
1869.

3213. Mr. Lowther, you say, told you that the other side had lodged money with Mr. Crosskill, and that they were paying 25 s. a head?—I believe so.

3214. Do you not know that in the evidence given of all the parties who got their money there is not one single one to whom they were paying such a sum at all?—I did not know what they paid.

3215. But you know it now?—No, I know the evidence.

3216. Do you mean to say that Mr. Lowther was cheating you, or meant to say that while he was paying men 10 s., 15 s., and 17 s. 6 d., the other side were paying 25 s., and that you must outbid them?—I do not believe that he would cheat any one.

3217. If he told you that to get more money, that looks like it, does it not?—It was the general impression on the Saturday evening that the other party had offered 25 s.

3218. Do you swear that Mr. Lowther told you that?—No, I do not.

3219. Will you swear to any man by name who told it you?—No.

3220. You believe that you sent all the remainder of the money before 12 o'clock to the gentlemen you have named?—I believe so.

3221. You said that you sent somebody, and that you did not go yourself, on the Monday, to the bankers; who did you send?—I sent a clerk out of my office, of the name of Charles Collinson.

3222. Not Spence Collinson?—No.

3223. Charles Collinson, one of your employes?—Yes, one of my clerks.

3224. Who communicated to you that the cheques were wanted?—Mr. Francis Burrell, and all of them, I believe; every one of the four that were entrusted with the money kept fetching it away, and if I had not any I sent for some more.

3225. Mr. Baron Martin.] Where are these works; in the town?—Probably at the extreme end of the town; 400 or 500 yards off of the town.

3226. Mr. Serjeant Sargood.] The four gentlemen came from time to time to fetch the money, as they wanted it?—Yes.

3227. Did they continue to come after 12 o'clock?—I am not aware that any of them came after 12 o'clock; I cannot say.

3228. I understood you to say that before you went to dinner you had no direct information from the town or from any of your accredited agents; am I to understand that those four gentlemen were coming up to you from time to time before 12 o'clock?—Yes, and they told me that we were ahead as they came; that is all the information I had.

3229. Who suggested to you the names of those four gentlemen as the parties to be employed by you in this delicate operation of bribery; you were inexperienced, as I understand?—I was; I cannot say they were persons who had always taken active operations before, and they were recommended to me as trustworthy men.

3230. They were men who had conducted the operations before?—Yes, it was the common talk of the town, the same as any other talk; that is the only answer I can give.

3231. You did not think that you were insulting Mr. Burrell when you asked him to take a

bag of money, and be instrumental in bribing?—No.

3232. Or the other three gentlemen?—No.

3233. Of course you took great care not to talk to Mr. Wreghitt about it, he being Sir Henry's accredited representative?—I am not very friendly with Mr. Wreghitt.

3234. Have you had any cause to quarrel with him?—No, I do not know that I have.

3235. Then why be unfriendly with so good a friend to your immediate superior, Sir Henry's representative?—I do not know that I am positively unfriendly, but I am not on intimate terms with him.

3236. That may be; had you any conference with him on the subject?—I had.

3237. Were you in court yesterday?—No, I was scarcely in at all.

3238. We were told yesterday that he was chairman, and a supporter of this Conservative association, and approved of the lists; you know that, I suppose?—Yes, I know that.

3239. You could hardly very well get anything approved by this association without communicating with Mr. Wreghitt?—I never had any communication with him; with respect to the Conservative association I had.

3240. They were putting you up in common with the others, and did you not have any communication with Mr. Wreghitt?—With respect to what?

3241. To your being put up with Mr. Usher and the other gentlemen as candidates for the town council, and under the protection of this Conservative association?—No.

3242. You never spoke to him on the subject?—Never in my life.

3243. Did you speak to him simply with regard to who the bribers were to be?—I asked him if he would find any of the means to win with, any of the money for the municipal election, and he said, "No."

3244. Did that surprise you?—No, I cannot say that it did; I do not know that I had any reason to be surprised.

3245. How came you to insult Mr. Wreghitt, by making such a proposal to him?—The common conversation was that he had done it previously, and I went to ask him the same question.

3246. Mr. Baron Martin.] To bribe the voters?—I presume so.

3247. Mr. Serjeant Sargood.] You mean to find money for municipal bribery?—The common conversation of the town was so, and I went and asked him the question; I asked him the question whether he would find it.

3248. And he said, "No"; what did you say?—I said, "We shall have to find it ourselves," I presume; I cannot tell what I said, I do not remember; I certainly had not any from him in any way; he refused to find any, and I should go away.

3249. You say that you are not on intimate terms with him, not friendly with him; if so, how could you go and propose such a thing as this?—

Mr. Serjeant Ballantine.] He said that he had heard it in the town.

3250. Mr. Serjeant Sargood.] Is that your only reason for it?—I had not any other that I know of.

3251. Having no accounts from the bribers, and expecting none, how are you going to settle

Mr.
R: *Norfolk*.
—
11 March
1869.

the shares with the other gentlemen?—I am advised, with respect to the money that has been drawn out of the bank, that I am responsible for it, and they all of them state that they are willing and anxious to pay their share of the cost, and when I get it I shall go and pay the 800 l. in again.

3252. How shall you ascertain their share; you cannot tell me how you have spent the 800 l.; how much shall you charge them?—I shall charge them the 800 l.

3253. Whether they have spent it all or not?—No; I shall try to make up the account in the best way I can; in the way that such things are made up.

3254. You have not repaid the bankers, and it is an open question?—Yes.

3255. What is the salary of your secretary, Mr. Usher?—£400 a year.

3256. Are you going to charge him a sixth part of the 800 l.?—I presume so.

3257. I will not presume unless you swear it?—I have not any other means.

3258. On your oath, are you intending to charge your secretary, Mr. Usher, a sixth part of the 800 l. for this job?—Yes.

3259. As to Mr. Catterson, what is he?—I believe he is a tanner in the town.

3260. Do not you know?—Yes, he is a tanner in the town; I have not been into his works.

3261. Have you said anything to him since this election as to your intention to charge him a sixth part of the 800 l.?—No, I asked him if he would pay his share.

3262. What did he say?—He said he would.

3263. Did you say that it would be a sixth part of the 800 l.?—No.

3264. Was any sum mentioned?—No.

3265. When he said that he would pay, he had no idea how much you had spent, had he?—I should fancy he had not.

3266. Did you hear another thing that my learned friend, Mr. Serjeant Ballantine, said, that he admitted that the candidates were unable to pay their own expenses, but that you were a man of opulence who intended to pay them at your own cost, and out of your own pocket.

Mr. Serjeant *Ballantine*.] I never said anything of the kind, nor anything like it.

The *Witness*.] I never heard him say so.

3267. Mr. Serjeant *Sargood*.] Were all the candidates well able to pay their own expenses?—I should think so, I cannot say; I cannot speak as to that, they all appeared to be able to pay; every one appears to be worth 150 l.

3268. Had you ever any intention to gratify your own ambition and pay the money entirely out of your own pocket?—Not the least, only to pay my share, decidedly not; the same as the others.

3269. Did you ever tell Mr. Whiting that the election had only cost you a sum of 20 l., and that you had agreed to pay?—Certainly not; I might have stated that I had personally spent 20 l.; I believe I have given that in my evidence that I did personally spend 20 l., but I never told him anything that I am aware of.

[The *Witness* withdrew.

Mr. WILLIAM SMALES WREGHITT, sworn; Examined by Mr. *Giffard*.

Mr. W. S.
Wreghitt.
—

3270. WHAT are you?—A Draper.

3271. First of all, had you anything to do, directly or indirectly, with the bribing of voters at the municipal election?—Nothing whatever.

3272. Or supplying funds for that purpose?—Nor for supplying funds for that purpose.

3273. A person named Vickers has been examined here who says that you gave him 100 l. in gold and silver for the purpose of bribing at the municipal election; is that true, or it is false?—My Lord, do you request me to answer all these questions?

3274. Mr. Baron *Martin*.] I suppose you have heard what passed upon that point when the last witness was in the box; if you answer the questions to my satisfaction, and I believe that your evidence is true, you will be entitled to a certificate from me that will protect you, as it appears to me, from all proceedings with regard to the borough election?—Thank you, my Lord. Then the statement that was made here yesterday by John Smales Vickers is not true.

3275. Mr. Baron *Martin*.] You mean as to the 100 l.?—Yes, my Lord.

3276. Mr. *Giffard*.] A man of the name of Dales stated that you gave 40 l. to Kempley at the Parliamentary election of 1860; is that true or false?—That is utterly untrue.

3277. Mr. Baron *Martin*.] Do you mean 1859 or 1860?—1860.

3278. Mr. *Giffard*.] Is it true that you have given any money to any person whatever at any Parliamentary election, either before Sir Henry Edwards came here, or afterwards?—It is not

true; I never gave 1 s. to any man living for any Parliamentary election in my life.

3279. I believe you were originally deputed to ask Sir Henry Edwards (then Major Edwards) to come forward when he first came to the borough?—I was.

3280. After he was elected, did he communicate from time to time with you with reference to applications made to him for local charities, and local cases of distress?—He did.

3281. And, from time to time, has Sir Henry sent money through you for such purposes?—He has.

3282. Has that been confined to persons of his own party, or belonging to the other political party in the town?—I have given to both, under his instructions.

3283. Is it true that you have ever made the future support of the person receiving the money a condition for giving it?—It is not true; I never made a corrupt bargain with any man in my life.

3284. I believe it is true that you have from time to time taken up freedoms?—It is.

3285. Have you ever made it a condition of doing so that the person receiving the money should give his political support to Sir Henry Edwards?—Never.

3286. You received a note last night; will you produce it?—Yes (*producing the same*).

3287. What time last night did you receive that note?—I think it was between eight and nine o'clock.

3288. It

3288. It was from the solicitor to the Petitioners?—Yes.

The following letter, dated 10th March 1869, and signed William S. Hind, addressed to W. S. Wreghitt, was read: "Sir,—Take notice that you will not be required to attend as a witness to-morrow on the trial of the Beverley Election Petition, unless you have notice so to do. This notice does not exonerate you from being called upon your subpoena, should you be required."

Cross-examined by Mr. Serjeant *Sargood*.

3289. You are here as a witness for the Respondents?—Yes.

3290. But the Petitioners have taken care that you should be here by sending you a subpoena?—No, I have been requested to attend.

3291. I said the Petitioners?—No, certainly not.

3292. Have you not had a subpoena from the other side?—I have not; I mean from the Petitioners.

3293. You have not received their subpoena?—Yes, from the first I have.

3294. You have had a subpoena from the Petitioners?—Yes.

3295. I suppose that they gave you notice in order to save expense as a witness that so far as they were concerned they did not want you?—I do not know what it was for.

3296. You have been in court during the last two days?—I have.

3297. Have you heard all that the witnesses have stated, both with regard to municipal elections, charities, freedoms, and corruption?—Yes, I have.

3298. You have heard how frequently your name has been mentioned in connection with this matter?—I have.

3299. Am I to understand you to say that you are here to deny every allegation that was made against you?—Every allegation? No.

3300. Not every one?—No.

3301. Then tell me what allegations or corruption you mean to admit?—With regard to yesterday, so far as any statements that have been made in this court as to myself, I deny them utterly.

3302. You deny everything?—Yes.

3303. How long have any financial transactions been carried on between you and Sir Henry Edwards?—Sir Henry Edwards has committed money to my charge to begin with, and when the money was exhausted I wrote for more and I received it.

3304. You occupied a position of confidence and trust?—Yes.

3305. You acted as a sort of banker, if one might say so?—Yes, in a qualified sense it was the case.

3306. When you wrote for more money, his faith and confidence in you were such that he did not want a debtor and creditor account of what you had done with the rest?—He did not.

3307. And you never rendered one?—Never.

3308. I may take it, I suppose, that this had lasted from the year 1857, when you first became acquainted with him, to the present time, and you have never rendered him an account of how you applied the money he entrusted to you?—I have offered to do so on several occasions, but I have never done so.

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3309. As you have offered it, I presume, I may say that he never required you to do it?—He never required me to it.

3310. How was the money transmitted?—In bank notes.

3311. By course of post?—Yes.

3312. Invariably?—Invariably.

3313. With two bankers in your town?—Yes; I had no transactions through the banks.

3314. With four bankers in this town for 12 years, do you mean to say that no money transaction ever went through a banker?—None.

3315. You have had no money transaction in any way except through the post?—No; not in any way except through the post, that I know of.

3316. But it could not have happened without your being aware of it?—I do not think it would.

3317. But you recollect nothing except through the post?—I may say that I fancy during all that time there has never been any instance, but that the money was sent; I think I may say always, excepting that there may have been one or two instances in which I may have had a cheque; I cannot say but what I have.

3318. After deliberately saying what you have said, and after repeating my words, that with four bankers in the town it was always by post, and never on a banker?—It was certainly not upon a banker in the town.

3319. Very well, I am quite satisfied; still it was on a banker out of the town?—It would be on a banker out of the town; no doubt it was.

3320. What bank was it?—I really do not know, I cannot say I am sure; it is a length of time since I had a cheque.

3321. Have you no idea of the banker being out of the town, who he was, or where he was?—I really cannot state at this time.

3322. Do you keep a banking account yourself?—I do.

3323. Did you pay any money that you had received from Sir Henry Edwards by cheques into your own banking account?—Never.

3324. Did you go and cash the cheques yourself?—I did.

3325. And although they were sent out of the town or taken, you swear that you cannot tell me whether you cashed the cheques yourself?—I got them cashed in that sense, of course; I did not cash them myself.

3326. Did you go yourself personally?—Yes; I did personally.

3327. Not sending them by any one?—No.

3328. Do not you know where you went to cash them?—I say that I know where I went to get them cashed in Beverley.

3329. Where did you go?—To Mr. Lowson's bank.

3330. When you had two or three cheques on a bank out of the town you got them cashed as a matter of indulgence and convenience?—Entirely so.

3331. You do not think there were more than three cheques?—I should not think it would be more than three cheques.

3332. You did not keep your account there?—No.

3333. Why did you go there instead of to your own bankers?—Because I thought it was better to do so.

3334. What are the charitable institutions on both

Mr. W. S.
Wreghitt.

11 March
1869.

Mr. W. S. Wreghitt
11 March 1869.

both sides of politics that you said you subscribed to by Sir Henry Edwards' special desire?—Never said by his special desire.

Mr. Baron Martin.] I understood the witness to say that he gave the money to individuals.

3335. Mr. Serjeant Sargood.] To charities I understood?—Yes; for instance, we have soup kitchens and lying-in charities, dispensaries, and a variety of other things of that nature, my Lord, which Sir Henry Edwards has subscribed to through me.

3336. They have no political character?—Certainly not.

3337. There is the Conservative association, you are an active gentleman in that, are you not?—Yes.

3338. When was that invented?—In 1857, on the 28th of March.

3339. When was Sir Henry Edwards first elected?—In 1857, at the latter part of the year; he succeeded Mr. Glover, who was unseated on petition.

3340. What was the subscription of the members to that?—From 10 s. to 1 s.

3341. An opulent man like you would subscribe 10 s. while a poor man would subscribe 1 s. and so forth?—Yes.

3342. You heard what was said yesterday about the balance being made up by the borough Members?—Yes; they subscribed, annually, 10*l*. each.

3343. But there might have been a balance to make up for all that?—Exactly so.

3344. You heard, I think, what was said about the borough Members making it up?—I dare say they might be called upon to do so.

3345. That gentleman we heard yesterday, Mr. Smales Vickers, was president for a short time?—Yes; for a very short time.

3346. What do you call a very short time?—I believe something like six months.

3347. Is the president elected annually?—Yes.

3348. As his reign was cut short at the end of six months, did not Sir Henry approve of him?—I do not think that Sir Henry was ever consulted in the matter about him.

3349. Is that your belief, upon your oath?—It is.

3350. Had you preceded Mr. Vickers as president?—Yes.

3351. Did you succeed him?—Yes.

3352. Have you been in office ever since?—Yes.

3353. Do you mean to tell my Lord, that you believe Sir Henry Edwards was never communicated with on the subject of Mr. Vickers being the president instead of yourself?—I do; there was no motive for communicating with him; Sir Henry had no power to elect a president; he is elected by the members of the association. They might as well have consulted any gentleman in this court as Sir Henry Edwards on that point.

3354. Is it not the fact that the Conservative association could approve of them before they have a chance of election?—They do by arrangement.

3355. Did not Sir Henry Edwards, by arrangement, approve of your being always president?—I have no reason to think that he disapproved of it.

3356. You have good reason to think otherwise, I have no doubt?—I have.

3357. You have said that Sir Henry could not control the electors; Mr. Vickers was elected instead of you on competition, was he not?—Yes, he was.

3358. How was that, as it is an annual election, and he only reigned for six months?—I must leave him to answer that question; I cannot be responsible for other people's acts.

3359. He did answer that yesterday, that it was because Sir Henry was communicated with, and he would not approve of anybody but Mr. Wreghitt, and he was compelled to go out?—There is no compulsion.

3360. Can you give me any other reason?—I have no power to assign reasons for other men's conduct.

3361. Can you give me any other reason why he ceased to continue in office, and you became his successor?—I cannot give you any reason at all; not anything beyond what I have said.

3362. It is quite true, is it not, that the Conservative association took the liberty of arranging beforehand who should be put up for town councillors?—That was the object of its being formed.

3363. That is in the Tory interest alone?—Yes; of course.

3364. The institution was formed, do you say, for that object alone?—It was; and also to afford a reading-room for the benefit of the Conservative party.

3365. We might say a consulting-room as well, perhaps?—Possibly, you might add that. There is a committee in connection with it, and that committee has a room, in addition to the reading-room, for consulting purposes.

3366. You say for that purpose alone?—I do.

3367. Do you mean that?—Yes.

3368. With no political views?—How can there be a Conservative association without political views?

3369. It need not interfere with political business, unless it was invented for that purpose?—I said that it was invented for the purpose; you inquired were the town councillors approved of by the Working Men's Association?

3370. Yes?—And the answer I gave was "Yes."

3371. You have said more than that; you said the society was formed for the purpose?—For political purposes.

3372. That is what I want to know, part of the political purposes of the society, I suppose, was to control the town council?—Not to control; of course men were nominated, that is simply nominated, to be put forward to be elected; I do not consider a man a town councillor at all till after his election.

3373. It meant that you could put him forward as a man that the party were to support?—Certainly.

3374. Was that why the borough Members were to pay the balance, if there was any deficiency?—The borough Members had no agreement of that sort.

3375. You have said that it was the understanding, was that the reason why they were to pay the balance?—They were not called upon to pay the balance, there was no agreement of that kind, in any shape or form, nor any understanding.

3376. With regard to the fund that you have told us you had at your command, without accounts from Sir Henry, you being chairman; you did

did not want to call upon anyone; you were everyone yourself?—I do not take that view myself.

3377. Who keeps the accounts of the Conservative association?—Mr. Wilson.

3378. Are they audited?—Yes, every year.

3379. Do you mean to say that the borough Members have never contributed anything beyond their 10 guineas subscription to it?—I do not remember that they ever did.

3380. Or you on their behalf?—Nor me on their behalf.

3381. What did you mean by saying that the borough Members might be called upon to make up the balance?—I meant this: that such a thing might be done, but I anticipated that you would have asked me another question, were they ever asked, and I should have answered you; but I was rather anticipating your question. I may state that they never did do so, and it was never necessary for them to do so.

3382. You do not, I presume, deny the general corruption of the borough in electing town councillors for many years past?—I do not take the proceedings of yesterday as a sample.

Mr. Baron *Martin*.] Just be good enough to answer the question.

3383. Mr. Serjeant *Sargood*.] You do not intend to deny the general corruption of the borough in electing town councillors for many years past?—No.

3384. Mr. Baron *Martin*.] You say that you do not take the evidence given yesterday as a sample?—I said so, my Lord.

3385. Mr. Serjeant *Sargood*.] Do you refuse that sample because it is so much above the old average or so much below it?—I have known as much given before as 20 s. for a vote.

3386. I am talking of the aggregate of 800 l.?—I never knew so much as that.

3387. While you were intimate with the subject, what would be the average amount at a municipal election that they would have spent upon it?—I should think from 100 l. to 150 l.

3388. You mean to say that that is the average gross expenditure to carry a town council election for one party, the Tories?—The average would not amount to that, not the average. I should think, my Lord, that the average would not be more than from 50 l. to 70 l.

3389. How many years did your experience that you had run over, to take the average, 10 or a dozen?—I think so.

3390. That we may estimate to have been your general average; tell me the lowest and the highest sums during those 10 years that you have known to be spent?—Several times there has been no contest, and so we began at nothing; and we may go up, I should think, to perhaps 130 l. or 140 l.

Mr. Baron *Martin*.] Are you now speaking of sums paid in gross for the election?—

3391. Mr. Serjeant *Sargood*.] Yes. (To the *Witness*.) What is the lowest gross sum at the contests which you have known paid?—I have known, when we have had sham contests, that it has not cost more than 20 l. It is well known that there are degrees of energy put forward in contested elections, and we have scarcely or seldom been without nominations on the opposite side.

90.

3392. You have had such in your experience of twelve years?—

Mr. Serjeant *Ballantine*.] He says that although there may have been no real contests, there have been several elections in which there were nominations, and that involves a certain amount of expense.

Mr. Baron *Martin*.] So I understood him, and he put it at 20 l.

3393. Mr. Serjeant *Sargood*.] I put that out of the question where there has been a real contest, and the average which you have stated it to be, what has been the lowest sum for a real contest which you have known?—For a real contest I should think, when party efforts have been fairly put forth, it would be something like from 130 l. to 140 l.

3394. At the lowest?—Yes.

3395. Is that what you mean?—Yes.

3396. What is the highest, do you think, not taking yesterday, for you say that is not a sample?—I have known in 1857, but I had nothing to do with that; it was found by another party, and I believe it cost about 300 l.

3397. What is the highest sum you have known in twelve years' experience?—I could not say of my own knowledge.

3398. What do you believe it would be?—I believe it would be something like 300 l.

3399. If the lowest contest costs 130 l., and the highest 300 l., I should not call that an average of 70 l.?—No, and I did not state that.

Mr. Serjeant *Ballantine*.] He included those elections in which no money had been spent.

The *Witness*.] I understood the learned counsel to be asking what the elections were that I had had to do with personally. I was speaking of those elections that I had had to do with personally, and the expenses had not exceeded, I believe, from 130 l. to 140 l. in a spirited contest. I understood him to inquire whether I had ever known any contest which cost more; there was one in 1857, when Mr. Almack was candidate, and I believe that the election did cost more.

3400. It was a very severe one, was it not?—Yes.

3401. Exceptionally severe, was it not?—Yes.

3402. Mr. Baron *Martin*.] The highest cost 300 l., and you were not concerned in that?—No.

3403. Mr. Serjeant *Sargood*.] Then he says that it was exceptionally severe at the time he speaks of?—Yes.

3404. Do you remember the year 1867, when the *quo warranto* went out?—Yes.

3405. You remember that?—Yes.

3406. Mr. Baron *Martin*.] Was that in 1867?—No; I believe it was in 1866.

3407. Mr. Serjeant *Sargood*.] It was not an exceptional contest in 1867, was it?—No.

3408. It was another election?—Yes.

3409. Did it happen that some of the gentlemen whom your Conservative association had put forward were elected, but that their right to take their seats was disputed from some informality in the nomination?—Yes.

3410. As a consequence, there was a prolonged litigation?—Yes.

3411. How long did it last?—About 12 months, I think.

K 3

3412. And

Mr. W. S. Wreghitt.

11 March 1869.

Mr. W. S.
Wreghitt.

11 March
1869.

3412. And your friends occupied their seats until they settled it, and decided against them, I presume?—I wish to be very guarded in what I say, and I do not wish to be misunderstood. Our friends took their seats, at least they made a declaration and took their seats; but afterwards, when the litigation commenced, they took the advice of counsel as to whether it was safe for them to vote, and finding that it would not be, they retired from the council until the decision was given.

3413. Did the chairs remain vacant?—Yes, they remained vacant.

3414. Do you happen to know what the costs were?—I do not recollect the costs, but I know there was a very serious amount taken off by taxation.

3415. As to the little sum that was left behind, who paid that; do you know?—I paid it.

3416. Mr. Baron *Martin*.] You paid the costs of the *quo warranto*?—Yes.

3417. About how much were the costs?—I do not clearly remember now, I am sure, but I think it was something like, in round numbers, about 200 *l.*; but I am merely quoting from memory, I really cannot say.

3418. Mr. Serjeant *Sargood*.] You have forgotten that you had to pay costs on both sides; how much altogether, I mean, did it come to?—I am sure I could not state at this hour; I do not remember.

3419. Did 500 *l.* cover it?—I should think a great deal less than that.

3420. You will not swear that it was not more?—I could not swear to anything; I really do not remember. I must say that I do not remember.

3421. Mr. Baron *Martin*.] You paid the costs on both sides?—Yes.

3422. Mr. Serjeant *Sargood*.] You paid them personally?—Yes, I did.

3423. Were you one of the candidates involved in that dispute?—No.

3424. You would not like to say, perhaps, that it was not as much as 500 *l.*?—I could not say what it was.

3425. Would you like to say that it was all out of your own pocket, at your own individual loss and cost?—No.

3426. Why should you have paid, not being one of the candidates involved in the contest?—Because it was looked upon as a party question, and being the chairman of the association, and having to do with political matters here, I made it my business.

3427. Then you looking upon it as a party question, being chairman of the Conservative association, and not paying it out of your own funds; did you pay it out of theirs?—No.

3428. Then out of what did you pay it?—I applied to Mr. Sykes and to Sir Henry Edwards, and I obtained the money.

3429. Mr. Baron *Martin*.] You obtained it from them?—Yes, my Lord.

3430. Mr. Serjeant *Sargood*.] In equal or in unequal proportions?—In equal proportions.

3431. For municipal purposes, because it was a party question?—For the purpose of settling the expenses incurred at the trial.

3432. Municipal expenses incurred by the party question?—Clearly so.

3433. Had you ever obtained money from any other sources than the Conservative subscription or the personal contributions of Sir Henry Edwards and his colleague for the time being?—No.

3434. On the 2nd November the municipal contest was on a Monday?—Yes.

3435. Where were you on the Saturday?—I was at Hull in the morning and at home in the afternoon.

3436. Where were you on the Friday?—At home.

3437. At home in the morning and at Hull in the afternoon?—No.

3438. When you were at Hull in the morning and at home in the afternoon, if we begin an hour or two earlier you would be at home; you went to Hull and you came back again?—On the Saturday.

3439. At what time did you go?—I went by the half-past eight o'clock train from Beverley to Hull.

3440. You began by saying that you were at Hull?—Yes; I came back the same morning by the half-past nine o'clock train.

3441. You were not long in Hull?—Not long in Hull.

3442. Who went with you?—Mr. Bainton, the solicitor.

3443. The solicitor of the Members?—Yes.

3444. Where did you go to in Hull?—We first went to the "Station Hotel," and from thence to Mr. Atkinson's office, the solicitor, in Parliament-street, and from thence to Mr. Rollit's office, the Conservative agent to Messrs. Baxter and Atkinson; then we returned to the station.

3445. The Conservative agent to Messrs. Baxter and Atkinson?—Yes.

3446. Mr. Baxter being the head of that old firm, Baxter, Rose & Norton, acting on behalf of Sir Henry Edwards now?—Yes.

3447. May I ask you what took you to Hull the morning before the municipal election; have you any objection to answer that?—Not the slightest.

3448. What was it?—On the Friday evening before the Liberal Members were introduced into Beverley they addressed the constituency, and after their speeches were ended Mr. Leman, the then Member for York, came out upon the platform and made a speech, which I considered to be exceedingly damaging to Sir Henry Edwards as an individual and to the party; I was coming away, and I met Mr. Bainton, the solicitor to Sir Henry Edwards and Captain Kennard, and he put this question to me, "What do you think of the proceedings to-night?" I said, "Well, I think it is a success." Then he said, "What do you think of the speech delivered by Mr. Leman?" I said that I considered it exceedingly damaging, and I suggested to him that as Mr. Baxter was in Hull it was probable that he would be at liberty on Tuesday evening; as it was arranged that the Bishop of Oxford was going to be in Hull I thought it was well for us to take a lesson from the Liberal party, and to get Mr. Baxter to come over on Tuesday evening to speak in favour of the Conservative party, and the Conservative candidates.

3449. You were nervous about the political position the day before the municipal election?—Not at all.

3450. You only thought that something had been damaging to you, and you were not anxious about it?—I always think that it is wise to repair breaches as early as possible.

3451. Do you remember the election proceedings of 1859?—Yes; I have no doubt that I should remember them.

3452. Is

3452. Is the "Beverley Guardian and East Riding Advertiser" a Tory paper?—Yes.

3453. I see this: "Beverley Election Nomination.—Mr. Wreghitt had much pleasure in seconding the nomination, as he knew Major Edwards to be a most humane and kind individual"?—Yes.

3454. You were there?—Yes.

3455. Did you hear him make his speech?—No doubt.

3456. Do you recollect this paragraph in it: "He was proud of being brought forward as their champion at the election in August 1857, when they struck the first decisive blow at usurpation, and by the unparalleled efforts of that noble and independent body, the Working Man's Association, they had overcome the dominant Whig and Radical influences, and returned the Members of their choice; they had followed up their victories in the municipal and other elections, and thus had this loyal and ancient borough vindicated their rights and their independence, and long may she retain her proud position. But he would impress upon them the necessity of watchfulness, and, above all, of unanimity, in repressing any return of the aggression by faction, which they had so signally defeated. They could now boast of having a Conservative town council, Conservative pasture masters, a Conservative mayor, and they should endeavour to obtain Conservative Members of Parliament"?—I think it is highly probable that all you have read was stated; I do not doubt it.

3457. Admitting, as I do not doubt you do, with sorrow their corruption in the last 12 years, are we to take it that my Lord is to understand you to express a belief that the Parliamentary election of 1868 was pure?—May I ask whether that was the election at which Mr. Walters was a candidate?

Mr. Serjeant *Ballantine*.] No, the last election.

3458. Mr. Serjeant *Sargood*.] Do you mean to say that you think that Parliamentary election was pure?—I believe it to have been the purest election in England; I take the nation, or I will take Great Britain, if you like.

3459. That is your belief?—It is.

Re-examined by Mr. Serjeant *Ballantine*.

3460. What had Mr. Baxter and the Bishop of Oxford to do together?—It was just this: I thought that Mr. Baxter would probably be engaged every night during the week on his own account, but as that event was going to take place I thought it probable that the Conservative party who were favourable to Church and State would not hold a meeting on that evening, and I thought that Mr. Baxter would be at liberty.

3461. You have mentioned a sum of 200 l. in relation to the *quo warranto*?—Yes.

3462. I suppose that there was no source from which the funds could be obtained that you know of?—No.

3463. Independently of that amount of money how much during the last year have you actually received from Sir Henry Edwards, and from his colleague, Captain Kennard?—Do you mean from each, or from the two together?

3464. From the two together; how much have you received from them altogether?—£. 300.

3465. Have you distributed some part of it?—I have.

3466. To what amount about?—I should think about 100 l.

3467. There is, I believe, an agricultural association in the town?—Yes.

3468. And a large subscription has been made to it from each of the Members?—£. 50; not from each.

3469. There are also subscriptions, as we understand, to charities?—Yes.

3470. They each subscribed an amount?—Yes.

3471. And you have paid only one of them?—Only Captain Kennard's subscription.

3472. There are other charities in relation to which you have received money from time to time?—Yes.

3473. Have you lived all your life in the town?—No; I came here in April 1841.

3474. Sir Henry Edwards has entrusted you with the disposition of those funds?—Entirely so.

3475. Has one single farthing of that money gone, or is it going, for any purposes of the election?—None whatever.

3476. Do you know of any sum of money that you can be called upon to pay on the part of these gentlemen in relation to that election?—Not any at all.

3477. You rather intimated that you had been active in some of the municipal elections, and my learned friend put a very general question to you; I just want to know this: have you upon former occasions ever spent any money in taking out freedoms for instance?—I have.

3478. When you say that all you heard stated yesterday was untrue, that does not include, as I understand you, payments for bribes?—No; I admitted that this morning.

3479. When you gave a general denial it was a denial with that exception?—Yes.

3480. Were you aware that there was anything illegal in taking out the freedoms of persons belonging to your own party?—I was not aware of that.

3481. You have, I believe, assisted on former occasions in municipal elections?—I have.

3482. Were you applied to on the last occasion by the last witness who was called; was that so?—Yes.

3483. What did you tell him?—I told him that I would not have anything whatever to do with it.

3484. Had you a motive for saying that?—I had.

3485. What was your motive?—I considered that it would be very wrong for us to mix up the elections in any shape or form, as I knew that I should have something to do with the coming election, and therefore I would not have anything whatever to do with the municipal election.

3486. That was your determination?—Yes.

3487. In point of fact, did you interfere in the remotest way with that election?—Nothing beyond quietly going down and registering my vote.

3488. In no other respect did you interfere in the slightest degree?—In no other respect.

3489. Just answer this question fully and frankly: did you operate in any way through other persons upon that municipal election?—Not in the slightest degree.

3490. Did you use it, or use the result of it, or what had been done in any way in relation to the Parliamentary election?—Not in any case.

3491. Did you ever ask or apply to a single voter in consequence of what had taken place at the municipal election?—Never.

Mr. W. S. Wreghitt.

11 March 1869.

Mr. W. S.
Wreghitt.
11 March
1869.

3492. Or authorise anyone to do so?—Never.

3493. You say, and very likely a man knows his own mind, that Mr. Vickers left the Conservative association of his own accord?—To the best of my knowledge he did.

3494. You had nothing to do with turning him out?—Not the slightest.

3495. He left entirely of his own accord?—Yes.

3496. Mr. Baron *Martin*.] Was Sir Henry Edwards in Beverley on the 14th November?—No.

3497. Was Captain Kennard here?—No, they came together on the 3rd.

3498. I suppose the latter gentleman is a stranger to the town?—Yes, quite so.

3499. Mr. Serjeant *Ballantine*.] I believe that the Liberal candidates came in also on the 3rd?—No; on Friday, the 30th, I think it would be.

3500. Was that before?—Yes, two or three days before the municipal election.

3501. The Liberals came in three or four days before the municipal election?—Yes; it was on a Monday. The 1st November was on a Sunday, and, consequently, the municipal election was on the Monday. Our Members came in the day after the election, Tuesday; and the Liberal Members came in on the Friday previously.

[The Witness withdrew.

Sir HENRY EDWARDS, Bart., M.P., sworn; Examined by Mr. Serjeant *Ballantine*.

Sir H.
Edwards,
Bart., M.P.

3502. You are a Baronet, and, I believe, a Magistrate of many years' standing in this county?—I have been so for nearly a quarter of a century.

3503. You are Colonel of Yeomanry?—I am Commandant of the Second West York Yeomanry.

3504. I believe you are the proprietor of a moor which produces grouse in this county?—Yes; I am very fond of shooting, and I have shot for a great many years.

3505. I believe you have sent up grouse to some of your constituents?—I have until I found that it was an imprudent thing to continue it.

3506. We have heard also that when you came into this borough you had no intention at any time, nor did you know at any time, of any corrupt practices going on?—I know of none whatever.

3507. With regard to the municipal elections, were you aware of what you heard stated yesterday, or until you heard it?—I had not the remotest idea of anything having happened of the kind.

3508. Did you ever learn from Mr. Wreghitt or from anybody that anything of the kind went on in this town?—Never.

3509. Did you give your countenance, or would you have ever lent your countenance to anything of the sort?—No, I have always protested against any practices of the sort since I came here. I have done so both publicly and privately.

3510. As far as you know, from your position in the borough, was there any necessity for you to resort to any such practices?—None whatever.

3511. You have always, have you not, had large majorities?—Yes, on four different occasions; the only four occasions on which I have contested the election.

3512. Was Captain Kennard a personal friend of yours?—Yes, I have known him for some time.

3513. And his family?—Yes.

3514. I suppose you and he had been in communication before he determined upon standing?—Yes; I think he asked me my opinion as to his prospects.

3515. Did you afterwards consent to coalesce with him in the contest?—I did.

3516. You knew him to be a man of university education and a gentleman?—Yes; and I stipulated that it should be a thorough coalition.

3517. Captain Kennard was an officer, I believe, in the 8th Hussars?—He was a captain in the 8th Hussars, and he has also been at the Court in Dublin for a long time, under the Lord

Lieutenant. He was on the staff of the Lord Lieutenant.

3518. I suppose that the question of expenses was discussed between you and Captain Kennard?—Yes, I think it was.

3519. How much did your contest on the last occasion cost you?—I have my banker's book here, which I shall be very glad to put in, if it is desired.

3520. You have had it made up, I believe?—It is an exact copy from the banker's book.

3521. Have you any banker here?—I may explain, that I always sent a certain sum of money to Beverley before the election; I have no other regular standing account in Beverley in any one of the four banks.

3522. When you have had occasion to send money to Mr. Wreghitt, have you done so by cheque?—I have sent 500 l. to the bank, not only upon the last occasion, but on an occasion before, and all that is accounted for here; a sum of 200 l. was drawn out in the first instance by Mr. Bainton.

3523. Your solicitor?—Yes; and after that a sum of 150 l.

3524. Mr. Baron *Martin*.] Give me the amounts in round numbers?—My Lord, I have now a balance of 193 l. 3 s. 8 d. out of the 500 l., which I remitted for election purposes alone.

3525. Mr. Serjeant *Ballantine*.] Is there at the present time one halfpenny due from you for election purposes beyond that?—Nothing whatever.

3526. Do you believe that that amount is all that was spent in relation to the election?—On my account I do; we were associated —

3527. Have you taken any means to avoid learning the facts or to avoid learning whether there is anything whatever behind?—None whatever; I do not want to conceal anything.

3528. To the best of your belief, and upon your oath, do you believe that there is a single farthing that could be claimed from you by anybody?—Not one farthing, to the best of my belief; I also believe that there never was a purer election in England than that which has taken place in my experience. After having fought eight contested elections, I mean to say this, in the presence of my God, that I do not believe there ever was a purer election than the last.

Cross-examined by Mr. Serjeant *Sargood*.

3529. I understood you to say that you had no idea

idea of any imputation as to corrupt practices until after this petition?—I do; I said so.

3530. And you still believe that there had been no corrupt practices?—I did not say so.

3531. Then the purity of the 1868 election is relative to the United Kingdom?—Will you allow me to ask a question; are you alluding to the Parliamentary election?

3532. Yes?—Yes, certainly; I just stated so.

3533. Notwithstanding this petition having been filed, and all that you have heard since I have had the pleasure of seeing you sit here, you still express that as your personal opinion?—That is my firm belief.

3534. You believe it has been as pure an election as any in the land?—I entirely believe what I have just now stated; I have endeavoured during the last four months to find out whether even a glass of beer or a glass of spirits has been given by any individual belonging to our party, and I have never been able to bring forward a single instance.

3535. May I ask you over what period of time you extended that inquiry?—From the time of the election?

3536. Over how many days?—I do not know what you mean.

3537. You say you have made enquiry whether anything has been expended with reference to the election?—Naturally, as soon as the petition was filed, I felt more interest than anybody else in knowing the truth, and therefore I communicated with Mr. Wreghitt and many other gentlemen in the neighbourhood, and desired, naturally, to know if anything could be elicited from any party whatever, with reference to anything like corruption having been practised in the borough, on my part, or on the part of Captain Kennard.

3538. Have your inquiries been from Mr. Wreghitt and other gentlemen whose names I will venture to ask you?—And many other gentlemen.

3539. I will venture to ask whom?—My solicitor, Mr. Wreghitt, and a great many others.

3540. Can you remember any few of them, I do not want a great many?—Those I have met with I have inquired of.

3541. Who that were likely to be able to tell you?—I can mention to you, perhaps, a dozen men in one street as I would leave the “Beverley Arms,” say on the right or on the left. To almost all those individuals I have put the question.

3542. Taking it as a promiscuous inquiry?—Yes; I have asked “Has there been anything wrong, that you are aware of,” and from all parties I have been answered, that, to the best of their belief, the election has been perfectly pure.

3543. But did you limit your inquiry by any given number of days antecedent to the election?—No.

3544. Was it confined to a week or a fortnight?—No.

3545. Then it would include the period during which the municipal election was going on?—No; I was not in the town at the time.

3546. I am not imputing to you being here doing anything; do not misunderstand me?—But my inquiries have been personal inquiries generally, and not being present, how could I make those inquiries.

3547. And you failed to hear anything?—Of course; I was not here.

3548. But in your personal inquiries you failed to get any information?—I did not fail to get any information, because I was assured that nothing wrong had taken place.

3549. Mr. Baron *Martin*.] When did you find out that bribery had been practised at the municipal election?—I heard nothing of it till I came into this court.

3550. Mr. Serjeant *Sargood*.] They told you nothing, then?—I mean as to the extent of it.

3551. Did you know that there had been bribery practised at the municipal election?—I did not know from my own personal knowledge.

3552. Did you acquire that knowledge by any careful investigation that you have made?—I tell you I made no investigation whatever, because I was not here at the time of the municipal election.

3553. But when you set to work to ascertain, as you have told me, from Mr. Wreghitt and many other gentlemen, did you then learn the bribery that had occurred at the municipal election?—It was before the municipal election that I made those inquiries.

3554. Not the Parliamentary election?—Before the municipal election.

3555. Surely we are at cross-purposes quite unintentionally on both sides. I am asking you as to the inquiries you made in this town in consequence of this petition which had been filed against you. Did I not understand you to say that after the petition, and as a consequence of it, you inquired of Mr. Wreghitt and others whether there had been anything of irregularity at the Parliamentary contest?—I did.

3556. I want to know whether, in making those inquiries, you learnt those great irregularities at the municipal contest a fortnight before?—No, I did not.

3557. They kept you in ignorance then, did they?—I did not know of it.

3558. The gentleman with whom you had been more immediately in association would be Mr. Norfolk?—Exactly.

3559. And you naturally talked over with him the disagreeable position that you were in, of having this petition against you?—I am not aware; in fact I cannot swear that I have seen Mr. Norfolk since the election, but my impression is that we have never met since the Parliamentary election. I will not swear that I did not attend one meeting in Manchester, but to the best of my belief I did not, and therefore I have not seen him at all, and I have had no communication with him directly or indirectly. If I may have met him at Manchester, which I do not believe, I should be there as chairman of the Waggon and Iron Company, and he would be attending as the chief manager. I cannot swear it, but I believe that I have not been present at any of their meetings since the election.

3560. But whether that is so or otherwise, am I to understand that from Mr. Norfolk, who was one of the successful candidates at the municipal election, you have made no inquiries as to the contingencies of the Parliamentary election, by which you were affected in this petition?—None whatever; I had no communication with him whatever upon the subject, or on any other subject, to the best of my knowledge.

3561. You have produced a transcript of a banker's book with regard to your Parliamentary expenses; I presume I may take it that that does not include any remittances of yours to Mr. Wreghitt?—Certainly not.

L

3562. You

Sir *H. Edwards*,
Bart., M.P.

11 March
1869.

Sir H.
Edwards,
Bart., M.P.

11 March
1869.

3562. You have also alluded to that, I think, as the gross sum for which you and Captain Kennard were jointly liable?—No, not at all.

3563. Am I to take it that it is your own personal expenditure?—This is a sum of money which I remitted to Beverley, 500 £. to the bank.

3564. And, subject to the balance now remaining, was the remainder spent as your personal expenses, unconnected with Captain Kennard?—Yes, certainly.

3565. I mean your individual expenses, unconnected with those of Mr. Kennard?—This comprises the whole.

3566. Do I understand you to say that when you talked to Mr. Kennard upon the subject of his putting up, some arrangement was made about the expenses between you?—I did not say so; I said it would be a perfect coalition between the two, and the expenses would be shared equally; that was our understanding.

3567. Then I may understand you, putting it in a commercial form, that his expenditure and yours, being added together, the understanding between you was that you should each bear it equally?—Exactly.

3568. Was that the arrangement?—I mean the expenses of the election; I do not mean the expenses of contributions to charities and other things; I wish to be perfectly clear.

3569. I will not do you any injustice about those things, of course, but was that the arrangement that was made with Mr. Kennard's predecessor, Mr. Sykes?—Exactly the same, and the same with Mr. Walker.

3570. Exact proportions, each paying half?—Yes, half each.

3571. Did Mr. Sykes come in after communicating with you, as Mr. Kennard has done?—It is a long time ago, but I think that we did communicate together, certainly.

3572. Was one of the incidents of Mr. Sykes's advent to this place taking shares in the Waggon Company, Limited?—I believe he took shares in the Waggon Company long subsequent to his arrival in the town as a candidate, and, in fact, after his return; but it would be easy to arrive at that knowledge from Mr. Norfolk's mouth; my impression is that he did not take any shares for 12 months after.

3573. He did not take them up?—He did not take shares; he had nothing whatever to do with the company.

3574. I want to know whether it was any part of the arrangement of his becoming Member for Beverley that he should become a shareholder in the company?—The subject was never alluded to.

3575. I will take your word for it, if you say so; is he a shareholder still?—No, he is not.

3576. You would know as well as any one?—I do not look at the share-list; to tell you the truth, I had no very deep interest in it, beyond my own shares.

3577. But he has ceased to be a director?—I believe he has ceased to be a director.

3578. And as a shareholder also?—He never was a director; he has ceased to be a shareholder.

3579. Do you know to whom his shares were transferred?—I cannot swear.

3580. I will not ask you to swear?—That is easily ascertained.

3581. Have you any knowledge whether the secretary, Mr. Norfolk, took them back again?—My impression is, that the other directors, per-

haps the secretary and the other directors, took them conjointly, but I will not swear to it, because I do not know it.

3582. That was after he ceased to be Member for Beverley?—After he ceased to be Member for Beverley.

3583. Mr. Kennard has not acquired the honour yet, perhaps, of being a shareholder?—He has never been asked to my knowledge.

3584. He might have done it without being asked?—No, he is not a shareholder.

3585. You have a commercial stake in the Waggon Company; I suppose you will agree with me, and I want to relieve Mr. Crosskill from the imputation which I am sure was cast on him unintentionally. He is not under any covenant not to trade?—I am not aware that he is.

3586. I am sorry that that was said, because, commercially, it has been an annoyance to him?—I made no imputation upon him.

Mr. Serjeant Ballantine.] The truth is that we sent for the deed last night, and in order that I might render myself perfectly accurate, and I was about to say we found that the provision did not exist in the deed.

Witness.] I never saw the deed; I know nothing whatever about it.

3587. Mr. Serjeant Sargood.] Nothing can be more handsomely acknowledged; and I say no more about it; it has been a painful matter to have an imputation of that sort, and it really was a mistake altogether; with regard to your connection with Mr. Wreghitt, it has been one of great confidence?—Of great confidence.

3588. To some extent one might use the word unlimited?—I am not ashamed of any transactions that have ever passed between us.

3589. I am not imputing that, but to some extent one might use the word unlimited, because you had never required an account from him?—I looked upon him in the light of a friend; he has been a great friend to me since I have been here; I confided matters to him that I should not have confided to others.

3590. You have never required from him any account of the payment of the monies that you entrusted him with?—He has asked me on one or two occasions to look at the account, but I had such implicit confidence in him, that I did not care to take the trouble to look at the account.

3591. Did you never require him to deliver an account?—Never; I believe I speak the opinion of the whole town, that a more honest man does not live.

3592. I do not ask an opinion, but I will not quarrel with your giving it; you may be well excused for saying that perhaps?—I will volunteer it.

3593. With regard to that large sum of money for the costs of the *Quo Warranto* that we have heard of, you required no account from him?—Not at all.

3594. May I ask what particular interest you felt in fighting the battles of the town council, Mr. Wreghitt not being one of the disputed candidates?—I did not fight the battles of the town council.

3595. He fought them with your money; why should he?—I am not aware that he ever fought the battles of the town council with my money.

3596. Your money paid for the fight; I will put it in another way?—No; my money partly paid

paid for the deficiency, according to what Mr. Wreghitt has told you just now.

3597. When he said he had had some hundreds from you, you think that the costs were more than your contribution?—How do you mean?

3598. He told us he had had 500 *l.* from you and your colleagues?—I am not aware of that.

3599. I am sorry we should so misunderstand things.

Mr. Baron *Martin.*] I did not understand him to tell where the money came from; and that is one of the matters which I should think ought to be cleared up.

Mr. Serjeant *Ballantine.*] He distinctly said that the costs were taxed to him at about 200 *l.*

Mr. Baron *Martin.*] He said, "I paid the costs of the *Quo Warranto*, about 200 *l.*," and then he said he could not tell what it was.

Mr. Serjeant *Ballantine.*] He expressly said that the money came from the two sitting Members, and that there was no understanding between the Members and himself that they were to pay anything whatever.

Mr. Baron *Martin.*] You are right; they paid them in equal proportions.

3600. Mr. Serjeant *Sargood.*] My question will be pertinent if I ask you why should you contribute towards the costs of this municipal litigation?—Because I found that it had been promoted by the Conservative Association of the Borough, and they were my friends; there was no bargain before or after that either of the Members ever should pay a shilling; it was our own act and deed when applied to; we did pay the deficiency, but what it was I do not know; I have no recollection of the sum of 500 *l.*

3601. You do not, I dare say, remember accurately what sum it was?—I do not.

3602. Do you agree with Mr. Wreghitt, that your ordinary channel of communicating money to him was through the Post Office in bank-notes?—It was through the Post Office in bank-notes; I believe occasionally I sent him cheques on the London and Westminster Bank, or on the Halifax Bank, but on no other; and I do not really recollect that many cheques passed between us; I think that the remittances were generally made in bank-notes.

3603. You have been so many years the Member for Beverley that you will excuse me asking you whether you were acquainted with the constitution of that Pasture-Masters' Board?—Yes, I am.

3604. You knew the nature of its constitution and its objects?—Yes, I think I understood both perfectly.

3605. You also knew of the existence of Walker's gift which was in their control?—I ought to have known it, but to tell you the truth I did not till it was produced here; I may have known it years ago, but it was quite new to me when I saw it here.

3606. You also knew the mode by which freedoms were obtained in this place by servitude or birth?—Yes.

3607. And that it cost a few shillings in either case to be put on the roll?—Yes; it was a sort

of charity to take up the freedom of young men, very often.

3608. Did you sanction Wreghitt's exertions in these various matters of the election of the pasture-masters, Walker's gifts and freedoms as a political question?—Did I sanction as a political question, the taking up of freedoms? No; in no sense of the word; he had orders from me to subscribe to every charitable institution in the town, which he has done for 12 years, and amongst others, that of taking up the freedom of very poor people in the town.

3609. That is not a charitable institution, that is an act of individual benevolence?—The benefit is about 8 *s.* or 10 *s.* a year, and it is no great consideration except to a very poor man.

3610. I do not call it a charitable institution, it is a piece of individual benevolence; that is the distinction I wish to make?—The distinction is immaterial to me altogether.

3611. You did sanction his taking up of freedoms?—I sanctioned any charitable distribution that he might choose make.

3612. Will you excuse my putting the question pointedly?—I do not evade the question; Yes.

3613. Did you sanction his taking up freedoms?—Yes; not knowing that there was anything wrong in it; I do not think he ever applied to me upon the question, whether he should take up a freedom or not; I think he has never done so.

3614. Then you did not give that your individual sanction?—He had my sanction for everything that he contributed for the benefit of the institutions and charities of the town.

3615. May I take it that you left it to his personal discretion, not troubling yourself to give individual sanctions to his particular acts?—I did.

3616. You did interest yourself in municipal matters, did you not?—Do you mean personally?

3617. Yes, personally, individually?—I was very glad to hear when we had a majority.

3618. In the municipal contests I mean?—Yes, naturally; I thought much of the municipal contests.

3619. Did you not come here at the time of the municipal contests, when no Parliamentary contests were thought of?—I do not think I was here at the time; I used to come generally, on the 9th of November, to the dinner given generally by the out-going mayor or the incoming mayor, one of the two; I have made a point of coming for the last 12 years to attend those dinners.

3620. I believe that you have assisted in giving your presence to processions and those sort of things, dinners and so forth?—I have generally walked to the Town-hall with the mayor in procession; it has been the practice of the Member always to do so.

3621. You mean it has been your practice since you have been the Borough Member?—I have seen Mr. Sykes, and I have seen Mr. Walker do the same.

3622. Your colleagues you mean?—Yes; they are the only opportunities I have had.

3623. You never knew it done in this town until you became Member?—How could I? But I think it more than probable that it was.

3624. I am not asking about probability; we have heard that Mr. Wreghitt was chairman of the Conservative Association; did you ever hear of

Sir H.
Edwards,
Bart., M.P.

11 March
1869.

Sir H.
Edwards,
Bart., M.P.

11 March
1869.

Mr. Vickers having been elected by the members?—I have heard about it more to-day than I ever heard of it before.

3625. That does not quite answer my question, because you might have heard something or nothing before?—I believe he was for six months perhaps; I do not know how long.

3626. Are you prepared to say that no communication was made to you on that subject by the secretary?—I am; none whatever.

3627. And no opinion of yours upon the subject communicated by you to anyone?—No; as far as my recollection serves, none whatever.

3628. One more thing only, that I may not misunderstand you; do I understand you to say that until this petition was lodged against you, you had never had reason to suspect this borough of corruption at the Parliamentary elections?—I have never contributed anything, if you mean that, to corrupt the borough.

3629. That is not my question?—I had no means of knowing that whatever.

3630. That was not my question?—Do you want to know what I think, because that is not evidence.

3631. I do, if you will tell me?—I can state nothing but what I know to be a fact, and I do not know it to be a fact that any corruption has prevailed on the part of the Conservative party of Beverley since I have been its Member.

3632. You know I am asking you this because it was said yesterday, Sir Henry never bribed, Sir Henry never treated, Sir Henry never used undue influence, Sir Henry never knew of those things, and never had had any occasion to believe they existed?—I will swear to the best of my belief that all that is correct.

3633. Did you then never have occasion to believe that such things existed at the Parliamentary elections?—No.

3634. Do you mean that?—As far as I myself go (that is the way you put the question), I did not know of any corruption whatever that has taken place.

3635. I do not ask you if you knew it; do you mean to say that you have had no reason to believe that Parliamentary corruption existed in this borough during the time that you have been its Member?—I did not know of anything of the kind.

3636. Have you never been charged personally with it?—There was a petition some time ago, and that petition failed.

3637. That might have been an injustice to you; have you never been charged personally with it?—Not to my knowledge; do you mean at the time of the petition?

3638. I am not talking of petitions at all?—I have never been charged to my knowledge; never.

3639. You have never been charged to your knowledge. I will ask you this: did you not in 1859, through your solicitors, Messrs. Baxter, Rose & Norton, bring an action against the proprietor, or editor, or printer of the "Beverley Recorder," for having charged you with Parliamentary corruption at that recent election?—That was done; I forget whether I was the instigator or not; I cannot recollect.

3640. You were the plaintiff, Sir Henry?—I may have been.

3641. You do not know whether you allowed the action or not?—I did not say that I did not; I said that I did not know whether I brought

the action or not; now that you assure me that I did, I do not deny it.

3642. But had you forgotten it?—It was not fresh in my memory; my subpoena told me that I should be answerable for everything that occurred for the last five years, and I came supplied with the information that I could give you.

3643. You have told me that you have never been charged with this thing in any way; my question was, did not you bring an action against the editor of the paper for charging you with that?—Very likely; I think I did.

3644. Do not you know you did?—I think I did; yes, I did.

3645. Do you doubt it?—I did.

3646. Though Messrs. Baxter, Rose & Norton are now representing you?—Yes, I think I did.

3647. Do not you know you did?—I think I did, and I believe I was the plaintiff.

3648. Do you doubt it?—No, I do not doubt it; I do not want to prevaricate in any way whatever; I merely want to tell you what is the truth.

3649. I do not doubt it; if you mean me to think that you are uncertain whether you brought such an action, say so; but if you know that you did bring it, say so; did you bring it?—I suppose I did.

3650. Is it merely supposition?—I cannot recollect positively about it, but I believe I did.

3651. Can you tell me what became of the action?—It is so long ago that I do not remember the particulars with respect to it.

3652. These things may not impress some minds; but you know it is a charge on your personal character, and you bring an action to vindicate your character; cannot you tell me what became of the action?—I believe it was given against me, but I have no recollection of it whatever.

3653. Mr. Serjeant *Ballantine*.] No, it was not?—I have no recollection of it whatever, never having been questioned upon the point.

3654. Mr. Serjeant *Sargood*.] I do not know what you may mean by being given against you, but I will remind you of the result of the action. Do you know that your solicitors, having required the particulars of the charges that were made against you by the defendant, he supplied the particulars and set out all the cases of bribery and the names of the bribers?—No, I do not know anything of the kind.

3655. You did not know it?—I do not recollect it. If you had mentioned it in my subpoena I should have been prepared to answer it, but I have no recollection of it.

3656. Do you know that after all the particulars were delivered for your information the action was withdrawn, and you paid all the costs?—Very likely.

3657. And the action was brought to justify your character, was it not?—Yes, I suppose so.

Re-examined by Mr. Serjeant *Ballantine*.

3658. You say that there was a letter in one of the newspapers, and you put the matter into the hands of your attornies. I suppose you left them to take the proper course?—Yes.

3659. After you had done that, was the election petition tried?—Yes.

3660. And were the allegations of bribery then gone into?—Yes.

3661. And

3661. And did you retain your seat?—I did.

3662. And after that, as far as you know, the action was not gone on with?—Exactly.

3663. There is just a question. My learned friend has asked you a good deal about this company of which you are chairman. Is it a business of any importance to yourself, or was I correct in the statement I made as to the reasons for your taking it?—You were perfectly correct. I understood that it was the greatest calamity that could befall the town if the bank sold or destroyed the works; that a great number of poor people would have lost their work, and would have had to leave the town, and that an immense number of houses would be tenantless, and I took it up as a matter of charity simply, and a grateful return for all the kindness that I had received in Beverley.

3664. So far as the pecuniary object went, it was no object?—None at all; it was no matter to me at all.

3665. The name of a person has been mentioned, Mr. Norfolk; did he canvass with you, or was he in any way whatever an agent of yours?—He has never been with me at all during the whole election. What was stated to

be a fact here yesterday was untrue; he was never near me, to my knowledge. I never saw him during the whole election canvassing.

3666. There is one matter that I ought to have asked in relation to Whitton; was Whitton a person who was an agent of yours in any way, or who acted with you?—None whatever. I remember on one or two occasions—

3667. Mr. Baron *Martin*.] I do not think, brother Ballantine, you need trouble yourself about that. (To the *Witness*.) You came here, as I understand, upon the 3rd of November?—I did.

3668. And I understand you to state that no one ever communicated to you what had taken place the day before?—Perhaps it may have been mentioned to me.

3669. That is the very thing I want to know. Was it mentioned to you; did you learn the corruption that had taken place in respect of the municipal election?—No; it was not communicated to me.

3670. It was never communicated to you during the fortnight that you were in the place?—No.

[The *Witness* withdrew.

Captain EDMUND HEGAN KENNARD, M.P. sworn; Examined by Mr. *Giffard*.

3671. WE hear that you are a comparative stranger to this borough?—Yes, I am.

3672. Is it the fact that you were first applied to formally, in the month of August, to stand; that you consented in September, and came here to conduct your canvass on the 3rd of November?—That is correct.

3673. We have heard from Sir Henry Edwards that you and he had an understanding that you were to divide the expenses, whatever they should turn out to be?—Yes.

3674. What have you spent in the course of the contest, in round numbers?—£. 300.

3675. With your knowledge or sanction, was one farthing of that spent in any illegal manner?—Not to my knowledge, certainly.

3676. And had you any reason to believe that it was spent in an illegal manner?—No.

3677. Speaking for yourself, I put it in the broadest way, is there any claim upon you, or do you believe there is any claim upon you, for anything done at the election, either directly or indirectly, which is not returned in your expenses?—I do not believe there is the slightest claim, and I do not know of any claim; I do not believe that there is.

3678. May I take it, that in the event of any claim being made you would not pay any money or recognise anything that may have been done?—I should recognise no claim whatever.

3679. So far as you were concerned, did you desire the election should be purely and properly conducted?—I desired it, and stated it both in public and in private.

3680. Did you so direct your solicitor?—I did.

3681. And did you tell him what you have now told us, that you would not recognise any illegal or improper expenditure?—I did.

Cross-examined by Mr. Serjeant *Sargood*.

3682. Who proposed and seconded you, do you remember?—I think it was Alderman Arden 90.

proposed me and Alderman Cussons seconded me.

3683. You were comparatively a stranger to Beverley before the last election, I daresay?—Yes.

3684. I may assume, from what Sir Henry has told us, that you came in rather under his wing than otherwise?—I do not consider that I was under his wing; we coalesced, if that is what you mean.

3685. You committed your interests to his solicitor and his agent?—We employed the same solicitor and the same agent.

3686. A gentleman who was well known, and in short was employed by him?—Yes.

3687. Have you not had any occasion to have any personal communications with Mr. Wreghitt, or have you begun them since the election of 1868?—I have corresponded with Mr. Wreghitt.

3688. You are not in the position with him that Sir Henry Edwards is?—Yes; I acknowledge that I am.

3689. Have you been in the habit of sending him money and never requiring an account; that has not been for many months, I know?—Yes, I have sent him money.

3690. Then you have begun that system?—Yes, I have begun that system.

3691. No very great results could have come from this yet; you have not had any account, I presume?—I have seen a memorandum of an account, but—

3692. But what?—That is all I wish to say.

3693. I suppose you confided your case to those who have always had Sir Henry's interest in their hands, and trusted that whatever was done would be properly done?—Yes.

3694. As we heard yesterday, whatever may be the result, adverse or otherwise, you, like other men, are prepared to share?—Yes.

Re-examined by Mr. Serjeant *Ballantine*.

3695. Is there anything within your knowledge, from

Sir H.
Edwards,
Bart., M.P.

11 March
1869.

Capt. E. H.
Kennard,
M.P.

Capt. E. H.
Kennard,
M. P.
11 March
1869.

from your communications with Sir Henry, or in any other way, that leads you to believe that there is any sum of money due beyond that which you have already expended?—No.

3696. Mr. Baron *Martin*.] I will ask you the same question as I asked Sir Henry. As I understand, you came to the town upon the 3rd of November?—Yes.

3697. Did you ever hear, during the fortnight that you were here before the election, of this corruption which took place in respect of the municipal election?—I heard of certain irregular proceedings, but no corruption that I know of. I knew there had been a severe contest, and I concluded that a certain amount of money had been spent, but I knew nothing of it.

3698. Did you hear of it; were you told of it?—I might have been told of it.

3699. I should think you might recollect whether you had been told of it or not?—People talked of the contest, and I knew there had been a very severe contest. I cannot remember anybody in particular, or any facts coming out, but I knew that there had been a very severe contest the day before.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that that concluded the case for the respondents, and

was heard to sum up the evidence in their behalf.

Mr. Serjeant *Sargood* was heard to address the court in reply on behalf of the petitioners.

Mr. Baron *Martin*, after going through the facts of the case, stated that he should report to the Speaker that, in his opinion, this election was void at common law; that a very large number of the electors of this borough were bribed and did sell their votes under the influence of bribery; that the evidence which had been given before him did not show that the corrupt practices which had been proved to exist had been committed with the knowledge and consent of the candidates at the election; that he should make special report that there was reason to believe that corrupt practices had extensively prevailed in the election; that he should also make a special report with respect to matters arising in the course of the trial, and should state substantially the evidence which had been laid before him, and it would be for the House of Commons and the Attorney-General to deal with it in such manner as they might think fit; and also that the costs would follow the event.

1871
J. J. F. 1117

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BEVERLEY ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

BEVERLEY ELECTION PETITION.

(1869.)

*Ordered, by The House of Commons, to be Printed,
18 March 1869.*

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THE TRIAL

OF THE

BEWDLEY ELECTION PETITION.

(1869.)

*Ordered, by The House of Commons, to be Printed,
17 February 1869.*

REPORT - - - - - p. iii

MINUTES OF EVIDENCE - - - - - p. 1

R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COURT for the Trial of an Election Petition for the Borough of Bewdley, in the County of Worcester, between Charles Sturge and John Baldwin, Petitioners, and Sir Richard Attwood Glass, Respondent.

To the Right Honourable the Speaker.

Sir,

Bewdley, 25 January 1869.

IN compliance with the directions of "The Parliamentary Elections Act, 1868," I hereby certify that the above-named Sir Richard Attwood Glass was not duly elected, and that the above election was void.

And I report that it was not proved that any corrupt practice had been committed with the knowledge and consent of any Candidate at the above election.

That Robert Acton Pardoe, Attorney-at-Law, an Agent for Sir Richard Attwood Glass, and George Baker Burmish, also an Agent for Sir Richard Attwood Glass, were guilty of corrupt treating at the said election.

That Stephen Fort accepted a bribe of 10*s.* from one John Taylor, to induce him to vote for Sir Richard Attwood Glass, and afterwards voted against him.

That James Hunt was bribed to vote for Sir Richard Attwood Glass, by 5*l.* advanced to him as a loan by Christopher Pountney.

That Abram John Hamer was bribed to vote for Sir Richard Attwood Glass, but it was not proved who gave the bribe, or how much it was.

That Isaac Leverton, Herbert Burton, and Richard Millington, being at Bristol, were induced to come to Bewdley to vote for Sir Richard Attwood Glass by having their expenses from Bristol and back paid them, and would not have voted had this not been done. That it was not proved who advanced the money; nor did it appear that the money paid them, though it was an illegal payment, exceeded the reasonable expenses, so as to be a cloak for what in popular language would be called bribery.

That it was proved that corrupt treating, by opening public-houses, did extensively prevail at the election.

No evidence was given of any treating on behalf of Mr. Lloyd, the unsuccessful candidate.

That it was proved that a practice extensively prevailed on both sides of employing and paying a large number of persons as what was called "watchers," who rendered no service of any value in return. That this practice appears to have been kept up at Bewdley because it was formerly the practice at old elections, and is very objectionable for the same reasons as those which have induced the Legislature to prohibit treating.

There is reason to believe that the payments were made to influence voters connected with the watchers, and also that voters themselves were so employed, though no proof was given of any voter having been actually paid.

There was no reason to believe that direct bribery extensively prevailed at the election.

I have, &c.

COLIN BLACKBURN,

Judge of the said Court.

LIST OF WITNESSES.

Tuesday, 19th January 1869.

	PAGE		PAGE
Whittington Landon, Esq. - - -	1	William Nichols Marcy, Esq. - - -	1

Wednesday, 20th January 1869.

Stephen Fort - - - - -	2	John Garrett - - - - -	23
Thomas Wood - - - - -	2	Emma Moody - - - - -	24
George Stokes - - - - -	12	John Moody - - - - -	25
James Grove - - - - -	13	Charles Mills - - - - -	27
George Humpherson - - - - -	14	John Goodwin - - - - -	29
Thomas Lancet - - - - -	15	James Bishop - - - - -	32
John Carter - - - - -	20	Mrs. H. Strange - - - - -	33
Joseph Mecham - - - - -	22		

Thursday, 21st January 1869.

Thomas Cooper - - - - -	37	James Williams - - - - -	55
Thomas Ashcroft - - - - -	38	Joseph Rogers - - - - -	55
Henry Hunt - - - - -	42	Henry Carter - - - - -	56
Thomas Lewis - - - - -	44	George Millward - - - - -	57
Henry Moul - - - - -	46	Mary Head - - - - -	58
Miss Elizabeth Clay - - - - -	47	William Jones - - - - -	58
Miss Maria Vernon Graham Havergill - - - - -	48	Mary Jones - - - - -	59
John Hunt - - - - -	48	Amos Bower - - - - -	60
Thomas Draper - - - - -	49	William Davis - - - - -	62
Thomas Darke - - - - -	50	John Davis - - - - -	62
Edward Miles - - - - -	52	Benjamin Ainsworth - - - - -	63
Michael James Holder - - - - -	53	Stephen Fort - - - - -	66
William Paget - - - - -	53	Jane Fort - - - - -	70

Friday, 22nd January 1869.

John Milward - - - - -	74	Samuel Smith - - - - -	86
Mr. Thomas Rickaby - - - - -	74	John Davis - - - - -	87
John Humpherson - - - - -	76	John Pagett - - - - -	88
Joseph Rowley - - - - -	76	Alexander Faulkner - - - - -	88
Mr. Michael O'Brien - - - - -	78	William Nichols Marcy, Esq. - - - - -	88
Joseph Humpherson - - - - -	78	Henry Hunt - - - - -	89
James Hunt - - - - -	79	Joseph Dark - - - - -	89
Thomas Hunt, jun. - - - - -	80	Isaac Leverton - - - - -	90
Thomas Hunt - - - - -	81	Richard Millington - - - - -	91
James George Griffin - - - - -	81	George Anderson - - - - -	93
Sophia Griffin - - - - -	82	Sir Richard Atwood Glass - - - - -	96
John Tillman - - - - -	84	Mr. Thomas Radford - - - - -	104
David Hobbs - - - - -	86		

Saturday, 23rd January 1869.

Charles Pountney - - - - -	107	William Jackson - - - - -	121
Christopher Pountney - - - - -	108	Osman Pountney - - - - -	124
Thomas Potter Charles - - - - -	109	Mr. John Bury - - - - -	126
Mr. Joseph Rogers - - - - -	110	Mr. George Baker Burnish - - - - -	127
William Fowler - - - - -	113	Mr. Robert Acton Pardoe - - - - -	130
Mr. Benjamin Gardner - - - - -	115	Mr. Thomas Radford - - - - -	138
Mr. William Alfred Crowther - - - - -	118		

Monday, 25th January 1869.

Mr. Herbert Pardoe - - - - -	139	Mr. R. Acton Pardoe - - - - -	141
Mr. Herbert George Goldingham - - - - -	141		

MINUTES OF EVIDENCE

TAKEN before The Honourable Mr. Justice *Blackburn*, on the TRIAL of the ELECTION PETITION for the BOROUGH of BEWDLEY and STOURPORT, at the Town Hall, Bewdley.

Tuesday, 19th January 1869.

STURGE and BALDWIN	-	-	-	-	-	-	Petitioners.
GLASS	-	-	-	-	-	-	Respondent.

Mr. *Fitzjames Stephen*, Q.C., Mr. *Chandos Leigh*, and Mr. *Lewis Sturge*, appeared as Counsel for the Petitioners. 19 January 1869.

Messrs. *Chilton*, *Burton*, *Yeates* and *Sturt*, appeared as Agents.

Mr. *Hardinge Giffard*, Q.C., and Mr. *Poland*, appeared as Counsel for the Respondent.

Messrs. *Lawrence*, *Plews* and *Boyer*, appeared as Agents.

Mr. *Fitzjames Stephen* was heard to open the Allegations of the Petition.

Treating lists were handed in by the Counsel for the Petitioners to his Lordship, and to the Counsel for the Respondent.

His Lordship desired that the formal proofs should be given before the adjournment of the Court to-day.

WHITTINGTON LONDON, ESQ., sworn; Examined by Mr. *Chandos Leigh*.

- | | | |
|--|--|--------------------------------|
| 1. You are the Mayor of Bewdley, I believe? | up to the Clerk of the Crown Office?—I sent | <i>W. Landon,</i>
Esq.
— |
| —I am. | them by post. | |
| 2. Were you Returning Officer at the last election?—I was. | 6. Did you send up the Indenture of Election, the Writ and Return, to the Crown Office?— | |
| 3. Did the nomination take place on the 16th of November?—Yes. | No, not that. | |
| 4. And did the polling take place on the 17th?—It did. | 7. The Town Clerk had that to do?—Yes. | |
| 5. Did you take the poll books and send them | Mr. <i>Giffard</i> stated that at present he would not ask this Witness any questions. | |

WILLIAM NICHOLS MARCY, ESQ., sworn; Examined by Mr. *Chandos Leigh*.

- | | | |
|---|--|----------------------------------|
| 8. DID you send up the Indenture of Election, the Writ and Return, to the Crown Office?—I did. | 10. The 12th, would it be?—I think it was; the writs came down the same night or the next morning, and I proclaimed them the same day. | <i>W. N. Marcy,</i>
Esq.
— |
| 9. Mr. <i>Fitzjames Stephen</i> .] What was the date of the proclamation of the writ?—I think I received the writ on the Tuesday, and proclaimed it the same day. | [Adjourned to To-morrow, at 10 o'clock. | |

Wednesday, 20th January 1869.

20 January
1869.

Mr. Justice *Blackburn* desired that, in order to save time, the next 10 or 12 witnesses who were to be called, should be collected in an adjoining room, and their places supplied as they were removed for examination.

STEPHEN FORT, sworn; Examined by the Honourable *Chandos Leigh*.

S. Fort.

11. ARE you a Shoemaker in Stourport?—Yes.

12. On Monday, the 9th of November, did you go to the shop of Mr. Thomas Radford, in High-street, Stourport?—Yes.

13. Did you go there of your own accord, or were you sent for?—Mr. Radford sent for me to the shop where I was working.

14. When you got to Mr. Radford's shop, did he meet you at the door?—He met me at the doorway.

15. Did you go in with him?—I went from there to the office of Mr. Crowther, with Mr. Radford; he said he wanted me to go there to have an interview with Mr. Glass.

16. After that, did you go into Mr. Radford's shop?—Not into Mr. Radford's shop; into the office of Mr. Crowther.

17. Whom did you see there?—Mr. Radford, Mr. Joseph Rogers and Mr. Glass.

18. By "Mr. Glass", I suppose you mean Sir Richard Glass, the candidate?—Yes.

19. Mr. Justice *Blackburn*.] You saw Mr. Radford; whom else did you see?—Mr. Joseph Rogers.

20. Mr. *Chandos Leigh*.] And who else?—And Sir Richard Glass.

21. Did any conversation take place there?—Mr. Glass solicited me for my vote, and spoke on different points of politics respecting of it; he solicited my vote; then I says to him, "Well, my wife has persuaded me not to have anything at all to do with it; for I have been putting money by for her and me to go down and see my relatives"; and Sir Richard, in reply, says, "I can have nothing to do with that;" but Mr. Radford and Mr. Rogers says, "We will make that all right."

22. Was that all that took place there?—Yes, there, that morning.

23. You said that you wanted to see your relatives; where were your relatives living?—In Wiltshire; three miles from the city of Salisbury.

24. Did you say anything, or make any promise about your vote?—I promised my vote to Sir Richard.

25. At that time?—At that time.

26. Did you then go home?—I was going up

the back alley, and as I was going towards my work, I was called by a man of the name of Thomas.

27. Who is Thomas?—John Thomas; he keeps the "Fruiterer's Arms."

28. Where?—In High-street.

Mr. *Hardinge Giffard* objected to the evidence on the ground that this case was not included in the particulars furnished to the Respondent.

Mr. Justice *Blackburn* stated that the only list he had before him was the list furnished six days before the trial, and that the name of the witness did not appear in that list; but it might appear in particulars of bribery given three days before the trial.

Mr. *Hardinge Giffard* stated that Mr. Justice Willes had made an order that as a scrutiny was prayed for in this case, the list six days before the trial would be sufficient, and handed to his Lordship the endorsement of Mr. Justice Willes to that effect.

Mr. Justice *Blackburn* observed that, particulars having been furnished to commence with a case of which no notice had been given, appeared to be a course tending to take the other side by surprise.

Mr. *Fitzjames Stephen* stated that he opened this case specially, and that he regretted that it was not included in the particulars; but he could account for its not being in the scrutiny list, since the witness voted not for the Respondent, but for the Petitioner.

Mr. Justice *Blackburn* stated that it appeared to him to be fair and right that this case should be stopped now, in order to give the Counsel for the Respondent opportunity for inquiring into it; and that it should stand over until the cases of which notice had been given had been gone through.

Mr. *Fitzjames Stephen* stated that he would proceed with the evidence of treating.

[The Witness withdrew.]

THOMAS WOOD, sworn; Examined by Mr. *Fitzjames Stephen*.

T. Wood.

29. I BELIEVE you live in Bewdley?—Yes.

30. And you are not a voter?—No.

31. Where do you lodge?—At Mr. Griffin's, at the "Fox."

32. Mr. Justice *Blackburn*.] Is that a public-house?—Yes.

33. Mr. *Fitzjames Stephen*.] What is your business?—I am a butcher's slaughterman.

34. Did you act as a watcher during this election?—Yes.

35. What had you to do as a watcher?—I was employed to watch the voters, and see anything that they did.

36. What time used you to go about your business, watching?—I was on, night and day, except only to have a little victuals now and then.

37. What

37. What time in the morning did you go on?—We never went off; only just to have a little breakfast.

38. What time did you begin?—We used to come for breakfast at something like five or six o'clock.

39. What time did you go off at night?—We used to have our supper brought to us, and then stop there.

40. What time was your supper brought to you?—Sometimes at eight o'clock, and sometimes nine.

41. What were you doing all day between five or six in the morning and eight or nine in the evening?—We were put in a certain place to watch to see if there was any voters took off.

42. Used you to watch at night, too?—Yes.

43. How long then did you watch at night?—Five nights.

44. From what time at night till what time in the morning did you watch?—From about eight or nine o'clock at night till we were to go to breakfast in the morning; then we used to go off and come on again.

45. How many days did you watch?—Five days.

46. Five days and five nights?—Yes.

47. Who engaged you?—Mr. Christopher Pountney.

48. Were there other persons watching besides you?—Yes; a great many.

49. How many were there?—I dare say there was about 100 or 150; something like that.

50. Do you know a man named William Bird?—Yes.

51. Did he watch?—Yes.

52. John Lancett?—Yes.

53. William Lane?—Yes.

54. Thomas Davis?—Yes.

55. William Allchurch?—Yes.

56. Do you know a man who is in the employ of Ned Fowler?—Yes. His name is Edward; I do not know besides Edward.

57. A man called Edward. Did he watch?—Yes.

58. William Carter?—Yes.

59. Joseph Meacham?—Yes.

60. William Lines?—Yes.

61. Thomas Darks?—Yes.

62. Edward Darks?—Yes.

63. John Darks?—Yes.

64. Leonard Darks?—Yes.

65. Samuel Darks?—Yes.

66. John Darks, the younger?—Yes.

67. George Thomason?—Yes.

68. John Plevy (*pronouncing the e in Plevy long*)?—No; I do not know that he was one.

69. You do not remember John Plevy?—No.

70. James Plevy (*pronouncing the name with the e short*)?—Yes; he was one.

71. Was John Plevy one, I pronounced his name wrong before?—Yes; John Plevy was one.

72. William Plevy?—Yes.

73. Daniel Plevy?—Yes.

74. Edward Field?—Yes.

75. James Pargeter?—Yes.

76. John Clarke?—Yes.

77. Henry Clarke?—Yes.

78. Was there a man in the employment of Shaw?—Yes; there was, I believe.

79. What was his name?—I do not know what his name was.

80. What was he called?—They called him William.

81. George Clarke?—Yes.

82. Was there a man in the employment of Mr. Mountford?—Yes.

83. What did they call him?—They called him Edward.

84. He was one, was he?—Yes.

85. Joseph Cook?—Yes.

86. James Oaks?—Yes.

87. William Jackson of Wribbenthal?—Yes.

88. John Smith?—Yes.

89. Samuel Tudge?—Yes.

90. Charles Southam?—Yes.

91. John Dillon?—Yes.

92. William Payne?—Yes.

93. Samuel Danby?—Yes.

94. John Narwood?—Yes.

95. William Hurst?—Yes.

96. William Hinton?—Yes.

97. John Beaman, of Dog-lane?—Yes.

98. John Winstone?—Yes.

99. William Winstone?—Yes.

100. Abraham Winstone?—Yes.

101. Edward Roberts?—Yes.

102. Thomas Pool?—Yes.

103. John Allchurch?—Yes.

104. Francis Priest?—Yes.

105. Joseph Priest?—Yes.

106. Charles Crump?—Yes.

107. John Crump?—Yes.

108. John Pountney?—Yes.

109. John Broadfield?—Yes.

110. Richard Fowler?—Yes.

111. George Smith?—Yes.

112. Dan Smith?—Yes.

113. David Smith the younger?—Yes.

114. William Bishop?—Yes.

115. Richard Preston?—Yes.

116. Thomas Johnson?—Yes.

117. John Brown?—Yes.

118. Derrick Brown?—Yes.

119. James Brown?—Yes.

120. Henry Jones?—Yes.

121. James Mann?—Yes.

122. Thomas Bond?—Yes.

123. Thomas Bond the younger?—Yes.

124. George Barnett?—Yes.

125. George Barnett the younger?—Yes.

126. Edward Colley?—Yes.

127. George Carter?—Yes.

128. George Ashcroft?—Yes.

129. Edward Hollington?—Yes.

130. Dan Gardener?—Yes.

131. Thomas Field?—Yes.

132. Thomas Barnett?—Yes.

133. James Barnett?—Yes.

134. Richard Danby?—Yes.

135. John Porter?—Yes.

136. Thomas Ashcroft?—Yes.

137. William Ashcroft?—Yes.

138. Charles Gardener?—Yes.

139. William Birch?—Yes.

140. Job Blount?—Yes.

141. George Blount?—Yes.

142. James Bennett?—Yes.

143. Edward Birch?—Yes.

144. Ben Birch?—Yes.

145. Samuel Birch?—Yes.

146. John Oakes?—Yes.

147. Richard Gillam?—Yes.

148. Joseph Gillam?—Yes.

149. James Bishop?—Yes.

150. William Blackford?—Yes.

151. William

T. Wood.

20 January
1869.

T. Wood.
—
20 January
1869.

151. William Blackford the younger?—Yes.
152. Thomas Black?—Yes.
153. Joseph Black?—Yes.
154. George Cooke?—Yes.
155. William Cooke?—Yes.
156. Abraham Gittens?—Yes.
157. John Pountney?—Yes.
158. Joseph Pountney?—Yes.
159. William Pountney?—Yes.
160. Osman Pountney?—Yes.
161. Edwin Pountney?—Yes.
162. Christopher Pountney?—Yes.
163. John Danby?—Yes.
164. Abel Danby?—Yes.
165. Edward Carter?—Yes.
166. Edward Carter the younger?—Yes.
167. Samuel Carter?—Yes.
168. Henry Payne?—Yes.
169. Walter Payne?—Yes.
170. James Carter?—Yes.
171. Joseph Green?—Yes.
172. Samuel Pountney?—Yes.
173. Joseph Milward?—Yes.
174. Edward Collis?—Yes.
175. And another Joseph Milward?—Yes.
176. Edward Collis?—Yes.
177. And another Joseph Milward?—Yes.
178. Samuel Carter?—Yes.
179. Another Samuel Carter?—Yes.
180. James Carter?—Yes.
181. William Phillips?—No; I do not know that he was on.
182. You do not remember William Phillips?—No.
183. James Lander?—Yes.
184. George Gillam?—Yes.
185. Thomas Gillam?—Yes.
186. Adam Danby?—Yes.
187. Samuel Danby?—Yes.
188. William Danby?—Yes.
189. John Baker?—Yes.
190. Ben Carter?—Yes.
191. Andrew Reed?—No.
192. Andrew Bird?—Yes; he was on.
193. John Parmenter?—Yes.
194. Charles Parmenter?—Yes.
195. George Allwood?—Yes.

Mr. Justice *Blackburn* observed that it would be necessary to ask the witness how he knew that the persons, whose names had been mentioned, were employed as watchers.

196. Mr. *Fitzjames Stephen* (to the Witness).] What did you see those men you have mentioned doing?—I saw them on different beats watching; the same as I was doing.

197. What were they doing; walking about, or what?—Yes; walking about.

198. Where they alone or in parties?—They were in general three or four together.

199. Did you speak to them about what they were doing, and what you were doing?—No; I had not any cause, because I knew what they were doing.

Mr. *Fitzjames Stephen*.] I propose to identify these persons with voters on the register.

Mr. Justice *Blackburn*.] I do not suppose there will be any difficulty about any person who you say was a voter, being a voter.

Mr. *Hardinge Giffard*.] I apprehend not, my Lord; I suppose identity of names,

prima facie suffices; if any difficulty should arise, I will suggest it.

Mr. Justice *Blackburn*.] Certainly, that will be quite right. (To Mr. *Fitzjames Stephen*.) I do not anticipate that there will be any dispute that a particular man you have named just now is a voter, nor any dispute as to which way he voted, if he voted at all, but probably there will be considerable dispute as to whether or not he was a watcher; that is what you should direct your attention to.

200. Mr. *Fitzjames Stephen* (to the Witness).] You say, with respect to those men you saw, that you saw them walking about the street in parties?—Yes.

201. You said something about having your supper?—Yes, at Mr. Acton Pardoe's I had supper.

202. Mr. Justice *Blackburn*.] Did you go into Mr. Acton Pardoe's and there have your supper, or did somebody bring you something out of Mr. Acton Pardoe's?—We had it on the lawn.

203. Mr. *Fitzjames Stephen*.] I mean when you were on duty watching, where used you to get your supper?—We used to get it on the beats; my parents would bring it to me and I would eat it on the beat.

204. Were you ever paid for watching?—Yes, I was paid 8 s. and 6 s.

205. Eight shillings at one time?—Yes, and 6 s.

206. Where were you paid the 8 s.?—At Mr. Osman Pountney's.

207. Is that the "Malt Shovel"?—Yes.

208. Mr. Justice *Blackburn*.] Where were you paid the 8 s. and the 6 s., and by whom?—I could not say who it was paid me at Mr. Osman Pountney's; he was with a false wig on and a mask on his face.

209. Mr. *Fitzjames Stephens*.] Were you paid at Mr. Osman Pountney's by a man with a false wig on and a mask on his face?—Yes, the 8 s.

210. Was that at the "Malt Shovel"?—Yes.

211. When was it that you were paid?—I could not say what day it was on, not the day of the month; I think it was on a Friday night.

212. Was it after the election or before?—It was after the election.

213. Long after or not?—A few days after the election, not long.

214. When you went to this Mr. Osman Pountney's to be paid, were you alone or were there other men who had been watching there too?—They were all up there, the men who had been watching.

215. Where was this man with the false wig on, was he in the room where you all were, or in some other place?—No, we were called up one at a time, and he was up in the room standing between two other men.

216. You say the man had got on a false wig, what else had he got on?—A mask on his face.

217. Who were the other two men who were with him in the room?—One was William Jackson; I do not know who the other man was.

218. Who let you into the room where the man with the mask was?—Mr. Osman Pountney.

219. You got 8 s.?—Yes.

220. Did you make any objection to the 8 s.?—Yes.

221. Did

221. Did you think it was not enough?—Yes.

222. Where did you go the day after that?—Down to Mr. Acton Pardoe's office.

223. Did anybody else go with you?—Yes, they all went with me.

224. A lot of you went?—Yes.

225. What did you do when you got to Mr. Acton Pardoe's office?—We said we wanted more money; we had our names put down for some more money.

226. Who put your names down?—Mr. Bur-nish.

227. You have told us about the 8 s., when did you get the 6 s.?—At the beginning of the week after we had the 8 s.; one day at the beginning of the week.

228. Mr. Justice *Blackburn*.] In the beginning of the next week?—Yes; I think it was on the Tuesday.

229. Mr. *Fitzjames Stephen*.] You think it was the following Tuesday after the Friday?—Yes.

230. Then you got 6 s.?—Yes.

231. Who gave you the 6 s.?—William Jack-son.

Mr. *Fitzjames Stephen* stated that he was informed that Mr. Osman Pountney, whose name had just been mentioned, was close behind the witness, and submitted that the usual practice should be followed in this case of ordering all who had been subpoenaed as witnesses, with the usual exceptions of agents and such persons, to leave the court.

Mr. *Hardinge Giffard* concurred.

Mr. Justice *Blackburn* gave order accordingly, and the witnesses, with a few permitted exceptions, withdrew.

232. Mr. *Fitzjames Stephen*.] You told us just now about Mr. Pardoe's lawn; do you recollect the night that Sir Richard Glass came down to Bewdley?—Yes.

233. When was that?—I think it was on the 6th of July.

234. Did you go that night to Mr. Pardoe's house?—Yes.

235. Did you go of yourself, or did anybody tell you to go?—Mr. Fisher, the police officer, told me to go.

236. What time did you get there?—I think it was about half-past eight or a quarter to nine, or something like that.

237. Were you let in?—Yes.

238. Were you asked any questions before you were let in?—No; we were asked two or three questions after we got inside the door.

239. What were you asked?—Mrs. Pardoe met us and asked if we were for Mr. Glass or for Mr. Lloyd.

240. What did you say to that?—I told her I could not tell; I did not know what I went down there for.

241. Was anything asked about how you came to come?—No.

242. After you had been asked that, what did you do?—I went on to the lawn.

243. How many people were there on the lawn?—There was a good few people on the lawn, I could not say how many.

244. What else was there on the lawn besides people?—There was a table and a cloth laid, and the victuals put upon it.

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245. What kind of victuals?—Some bread and cheese and onions.

246. Was there anything to drink?—Yes.

247. What?—Beer.

248. Who ate the supper, did you get any?—Yes.

249. And other people who were there?—Yes; they all had some, I believe, that were there.

250. Do you know a man named Richard Danby?—Yes.

251. Did he come there?—Yes.

252. What did he do?—He was at the top of the table.

253. How many people were there at the table, about, do you think?—There might have been 20; I did not take the trouble to count.

254. You say there might have been about 20?—Yes.

255. Did Mr. Richard Danby make a speech?—Yes.

256. I suppose it would have been in favour of Sir Richard Glass?—Yes.

257. James Fisher; was he there?—Yes.

258. Is he the policeman you spoke of?—Yes.

259. Thomas Poole; was he there?—Yes.

260. Did you see a man who lives in Dog-lane?—Thomas Poole his name is.

261. Where does he live, do you know?—In Dog-lane, down against the waterside.

262. John Gittens?—Yes.

263. Joseph Field?—Yes.

264. Edwin Pountney?—No, I did not see him there.

265. Walter Payne, did you see him?—Yes.

266. John Clark, did you see him?—Yes.

267. And Edward Field?—Yes.

268. Daniel Gardiner?—Yes.

269. John Oaks?—No, I do not think I saw him there.

270. You do not remember Oaks?—No.

271. Joseph Rogers?—Yes.

272. Henry Moul?—Yes.

273. Were there other persons besides those you have mentioned?—Yes, there was a good few there; I could not remember all the names.

274. But were there others besides those you have mentioned?—Oh, yes, a great many more.

275. Do you recollect Sir Richard Glass coming?—Yes.

276. What time did he come?—I could not say, somewhere near 10, as near as I can guess.

277. You got a good supper, I suppose?—Yes.

278. And how much beer did you get?—Well, we had all of us as much as we liked.

279. Then Sir Richard Glass came; whose carriage did he come in, do you know?—I believe it was Mr. Shaw's.

280. What time did he get there?—As near as I can guess, I think about 10 o'clock.

281. Mr. Giles Shaw lives at Winterdine, I think?—Yes.

282. When Sir Richard Glass arrived, what did the persons present do?—They gave him a good hurrah.

283. Was there any speech-making?—No, there was not.

284. Was there any cannon fired?—Yes.

285. And other things besides that, do you recollect?—No, I came away when I saw that.

286. Where did you go when you came away?—I came down by the "Peacock," and stood there a good bit.

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287. Did

T. Wood

20 January
1869.

T. Wood.
—
20 January
1869.

287. Did any of the others who were with you, come to the "Peacock"?—Yes, there was a great many men came down there.

288. Did you go into the "Peacock"?—No, I did not go in.

289. Did you go home after that?—No, I did not go home for a good bit after that.

290. Where did you go?—I walked along the streets, and stood in the street in several places.

291. Do you know Dr. Webster?—Yes.

292. Did you see him that night?—Yes.

293. Did you see a man of the name of Joseph Field; did you see anybody with Dr. Webster?—Yes.

294. Whom did you see with Dr. Webster?—I saw Joseph Field and Joseph Rogers.

295. Where did you see them go?—Into the "Packhorse."

296. Who keeps the "Packhorse"?—Mr. Cooke.

297. Is that Abel Cooke?—Yes.

298. Mr. Abel Cooke, of Lode-street?—Yes.

299. Do you recollect the 27th of October last?—Yes.

300. Did you go to any public-house that evening?—I could not say particularly; I forget whether I did go to a public-house on that night or not.

301. Do you know the "Rifleman" public-house?—Yes.

302. Did you go to the "Rifleman" on any night in October?—Yes; I was at the "Rifleman," at the free and easy.

303. Tell us about the free and easy at the "Rifleman"; whom did you see; first of all where was this free and easy?—At Mr. Elcock's public-house.

304. Is that Mr. Thomas Elcock?—Yes.

305. Of Lax lane?—No; of Wribbenhall.

306. Where was the free and easy held?—In the house.

307. In which room?—There was some in the kitchen and some in the parlour.

308. Tell us some of the people whom you saw at the free and easy?—I saw James Grove there.

309. Did you see a man called Joseph Cooke there?—Yes.

310. Abel Danby?—Yes.

311. John Parsons?—Yes.

Mr. *Hardinge Giffard*.] I think my learned friend had better not read the names to the witness now.

Mr. Justice *Blackburn*.] Certainly; see what his memory supplies without assistance.

312. Mr. *Fitzjames Stephen* (to the Witness).] Just think of the people whom you saw there, and give us a few names?—I saw Proverts; he was there.

313. Who else?—John Parminter.

314. Tell us some more; take your time and think?—I saw Mr. Burnish there.

315. Go on; did you see anybody else; think about it?—Abel Danby was there, and Joseph Mitcham; John Lancett was there.

316. Do you mean Thomas; what Lancett did you say?—John Lancett.

317. Any more?—Edward Field.

318. Well?—William Payne; I do not think I can remember any more; I saw a great many there, but I do not think I can remember any more names.

319. Can you tell us whether any of those whom you saw, were voters or not?—I do not know, I am sure, whether they were or not.

320. Did you see any landlords of other public-houses there besides Mr. Elcock?—Yes; there was Mr. William Mountford of the "Rising Sun"; he was there.

321. Just think if there were any more landlords; that gives you a little help?—No; I do not remember any more now.

322. What were those people whom you saw there doing?—They were having some beer, the same as the rest that was there.

323. What was the company in general doing?—They were all having beer; that was all I saw, and tobacco.

324. Where did the beer and tobacco come from?—The beer came out of the cellar; I do not know where the tobacco came from.

325. I suppose it did; I mean how did it come; did each man call for what he wanted, or were there jugs, or what?—No; it was brought in gallon cans.

326. Did the company help themselves?—Yes; as soon as it was put on the table.

327. How about the tobacco; how was that brought?—It was brought on plates.

328. Were these plates put on the table?—Yes.

329. Did the company help themselves to tobacco?—Yes; they all helped themselves as far as it went.

330. Did the liquor last all through, or did it run short at any time during the evening?—I believe the tap was stopped; then we all came out again.

331. Tell me about the tap being stopped; did anybody say anything before it was stopped? No; not as I remember.

332. You mentioned about Mr. Burnish being there?—Yes; Mr. Burnish was there.

333. Did you hear him say anything?—No; I did not hear him say anything; not as I remember at present.

334. Just consider whether you heard Mr. Burnish say, or saw him do anything there; now recollect?—No; I do not remember as I saw him do anything there.

335. Just try and remember?—No, I do not remember.

336. Was Mr. Burnish in the room all the time?—Sometimes he was in the room, and sometimes he was in the kitchen.

337. You told me the tap was stopped; what do you mean by that; how was it stopped?—Not for any more beer to come in.

338. Mr. Justice *Blackburn*.] I understand the statement that the tap was stopped to mean that no more beer was supplied?—Yes, that was it.

339. Mr. *Fitzjames Stephen*.] Did you hear any more orders given then?—No, not until James Grove went in, and then we had some more beer.

340. Where did James Grove go?—I believe he went into the parlour.

341. Did you go into the parlour at any time?—No, I was in the kitchen.

342. Did you see who was in the parlour?—No, I did not see who was in the parlour.

343. Did you look into the parlour at any time?—No.

344. Mr. Justice *Blackburn*.] Let me see that I understand what you said; I think you said you had some more liquor after you went in?—Yes.

T. Wood.
20 January
1869.

345. I understand that when the tap was stopped you and the other company went out?—Not all of them.

346. The bulk of them?—Yes.

347. And then, after that, you and Grove went in, and you then had some further liquor?—Yes.

348. Mr. *Fitzjames Stephen*.] Did you see where Groves went?—I saw him go along the passage that leads to the parlour.

349. Did you see him come back?—No, I did not see him come back; I went into the kitchen.

350. You were in the kitchen?—Yes.

351. But you saw him go from the kitchen towards the parlour, I understand?—Yes.

352. Did you see him in the kitchen again that evening?—Yes; he was in the kitchen talking to me again.

353. Was that before the tap was stopped?—No, that was after the tap was stopped.

354. Was that before the company went away?—No; there was some of the company there, and some gone.

355. Did any more liquor come after Grove came back?—No, there did not any more liquor come after Grove came back again.

356. Consider this again; I ask my question again; did you hear Mr. Burnish say anything that evening?—No, I do not remember his saying anything.

357. Just consider?—I do not remember anything he said—not at present.

358. Do you remember anything that he did?—No, not now, I do not.

359. It seems as if at some time you had remembered, you know. You have given an account about this matter, have you not; you have spoken to young Mr. Morgan about it, or Mr. Glaisyer?—Yes.

360. Did you tell Mr. Glaisyer what you had seen and heard?—Yes; I told him a bit that I had seen here; I do not remember all I said.

361. Did you see him write down what you said?—Yes.

362. Had he got this book in his hand, writing it down (*holding up a book*)?—Yes, he had.

Mr. Justice *Blackburn* stated that the rule was, that a previous statement of a witness differing from his statement on oath in court, might be proved to shake his evidence, but that it could not be used as evidence in chief.

Mr. *Fitzjames Stephen* submitted that a rule of procedure of this kind was at the discretion of the judge, and that having regard to the peculiar circumstances under which evidence in election cases was given, he might be permitted to prove in this instance the former statement of the witness on a most material point.

Mr. Justice *Blackburn* stated that the previous statement of the witness could not be made evidence in chief; but that he would allow a leading question to be put to the witness upon the subject.

363. Mr. *Fitzjames Stephen* (to the Witness).] Did you not hear Mr. Burnish say that the tap must be stopped?—I almost forget now.

364. I ask you again, did you not hear Mr. Burnish say that the tap must be stopped. Now, recollect. You may very easily forget, having said so many things?—I have forgot that; I am sure I have.

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365. Just consider whether you did not hear Mr. Burnish say that the tap must be stopped. You said that you almost forgot just now. Now see if you cannot almost remember one way or the other?—No; I cannot exactly think of it now.

366. You cannot exactly; just think?—I cannot now.

Mr. Justice *Blackburn* intimated that it was of no use pressing the witness further on this point.

367. Mr. *Fitzjames Stephen* (to the Witness).] Never mind Mr. Burnish at present; did you pay anything for this?—No.

368. Did you see anybody else pay?—No.

369. Who gave the orders for the beer that you know of, or did it come without orders?—I could say who gave the orders for the beer. When we went into the house, they brought some beer into the kitchen, and we drank it in the kitchen.

370. But who gave the orders, you do not know?—I do not know who gave the orders.

371. Do you know the "Old Packhorse" public-house, that is Abel Cooke's?—Yes.

372. Do you remember being there one night?—Yes.

373. What night was it when you were there?—I could not say what night it was.

374. Was it after the "Rifleman" occasion or before?—I forget now whether it was after the "Rifleman," or before the "Rifleman."

375. What month was it in; how long before the election; about, you know; I do not want it exactly?—I should think, as near as I can guess, it was nearly three weeks or a month before the election.

376. Were there many people at the "Packhorse"?—Yes, there were a good many there.

377. Can you give me some of the names of the people you saw at the "Packhorse"?—Yes; I can give you some of those names. I saw Mr. Shrimpton.

378. Who else?—I saw Mr. Burnish there, and Christopher Pountney I saw there.

379. Which of the Pountneys?—Christopher Pountney.

380. Who else did you see there?—I saw Proverts there.

381. Anybody else?—Yes; I saw William Burnish there.

382. Any one else besides them?—There was John Parmenter there, and Charles Parmenter; and Samuel Carter was there; James Pargeter was there.

383. Who else?—Thomas Bond was there.

384. Was there any one else?—Yes, I believe I saw Mr. Landon go through the place.

385. Mr. Landon the mayor?—Yes.

386. Mr. *Hardinge Giffard*.] The present mayor; he was not the mayor then?—Yes.

387. Mr. *Fitzjames Stephen*.] Anybody else?—Not as I can remember the names of, not now; there were a great many there.

388. What was going on there?—They were having beer and tobacco.

389. How was the beer and tobacco brought; was it in the same way as at the other place?—It was brought in cans, the beer was.

390. Can you give me an idea of how much was brought?—I should say there was about five or six gallons came into the kitchen, as near as I can guess.

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391. And

T. Wood.
—
20 January
1869.

391. And tobacco?—Yes, there was some tobacco brought in.

392. Did the people help themselves to this?—Yes.

393. Did they pay for it?—No.

394. When did the drink stop there?—I do not know, I am sure, what time it was when it was stopped; they came in and said that the tap was stopped.

395. Who came in and said that?—A man of the name of John Powning.

396. John Pountney, do you say?

397. Mr. Justice *Blackburn*.] Just say that name again?—I do not know whether it is Pountney or Powning.

398. Is he one of the people belonging to the house?—He is a man that works there.

399. Mr. *Fitzjames Stephen*.] Will you say his name again?—I would not say whether it is Powning or Pountney. I do not know which it is of those two.

400. Mr. Justice *Blackburn*.] Was he one of the people belonging to the house, or a person who did not belong to the house, that is the important thing?—He is a person who belongs to the house, and spends very nearly all his time there, I believe.

401. Mr. *Fitzjames Stephen*.] How many rooms were there there that the company was in?—Three.

402. Which rooms were they?—The bar-room, the parlour, and the kitchen.

403. Did you see who was in the parlour?—No, I did not see who was in the parlour in particular; I did not go into the parlour to see who was there.

404. Did you see who was in the bar?—No, I was not in the bar; I was only in the kitchen.

405. Do you recollect about the same time going to a place called the “Rising Sun”?—Yes; that is at Catchem’s End.

406. William Mountford’s?—Yes.

407. Were there many people there?—No; there was not a great many people there.

408. Do you remember any of them?—Yes, there was Proverts, and John Parmenter, and James Pargeter.

409. Any one else?—I saw Mr. Glass come there.

410. Mr. Justice *Blackburn*.] Mr. who?—Sir Richard Glass.

411. Mr. *Fitzjames Stephen*.] Do you know a man named Thomas Pardoe, a shoemaker, or a barber rather; was he there?—Yes, I believe he was.

412. Mr. *Hardinge Giffard*.] You believe he was; did you see him?—Yes, I did.

413. Mr. *Fitzjames Stephen*.] You say you saw Sir Richard Glass there?—Yes.

414. What time did he come?—I could not say what time of night it was.

415. It was night, was it?—Yes.

416. There was beer and tobacco there at the “Rising Sun” on the table?—Yes.

417. Was it on the same day as at the two other public-houses you have described?—Yes.

418. Did the people pay for it?—No.

419. You saw Sir Richard Glass; you say he came there?—Yes.

420. Where did he go when he came, what room was he in?—I do not know particularly which room he came in; I saw him in the passage.

421. What room were you in?—I was in the kitchen.

422. Did he come into the kitchen?—No, I do not think he came into the kitchen at all.

423. You saw him in the passage; did you see him go away?—Yes, he went from there to Strange’s; I believe he called there.

424. Is that the “Waggon and Horses,” Mr. Strange’s public-house?—Yes, I believe it is.

425. Can you give us a notion about how long Sir Richard Glass stayed at the “Rising Sun”?—No, I could not say particularly how long he stayed there.

426. You can give us an idea whether it was two hours, or an hour-and-a-half, or a quarter, or what?—I should not think it was half-an-hour.

427. Can you give us a notion about what time it was; was it seven o’clock or eight, or nine, or ten, or what o’clock at night?—No, I could not say what time of night it was.

428. Was it dark?—Yes, it was dark.

429. Can you give us a notion what time you left?—No, I could not give any idea what time it was when I left there.

430. While Sir Richard Glass was there, you say you do not know what room he was in; but he was not in the kitchen?—No, I do not know what room he went into.

431. Did you see whether any of the people who were in the kitchen left the kitchen, and came back again?—No, I did not see any besides what went out of the kitchen; some went into the yard, and came back again into the kitchen, only that.

432. Did you see any of them go into any other room except the kitchen?—No.

433. Now you mentioned Strange’s, the “Waggon and Horses”?—Yes.

434. Did you go there the same evening?—Yes, I was down there the same night.

435. Was that after or before you went to the “Rising Sun”?—I was at the “Packhorse” after I went to the “Rising Sun,” and I was at the “Packhorse” before I went to the “Rising Sun.”

436. I talk of the “Waggon and Horses,” not the “Packhorse;” I mean Strange’s?—Yes; I know Strange’s.

437. Mr. Justice *Blackburn*.] Did you go to Strange’s public-house before or after you went to the “Rising Sun”?—I went before and afterwards, both.

438. Mr. *Fitzjames Stephen*.] What was going on at Strange’s?—There was beer and tobacco being drunk there.

439. Were there many people there?—Yes, there were a good few people there.

440. Was the beer and tobacco served there in the same way as at the other places you mentioned?—Yes.

441. And did the people pay for it?—Not that I was aware of.

442. Can you tell us any people who were at the “Waggon and Horses”?—Yes; there was James Pargeter there, and John Parmenter was there, and Proverts was there, and Mr. Glass called there.

443. Sir Richard Glass, you mean?—Yes.

444. Did you see Mr. Burnish that evening?—Yes.

445. Where did you see him?—I saw him up at the “Rising Sun” and at Mr. Strange’s.

446. Both at the “Rising Sun” and at the “Waggon and Horses”?—Yes.

447. Did you see a man named William Lane?—Yes, I saw him there.

448. At the “Waggon and Horses”?—Yes.

449. Do you know William Jackson?—Yes.

450. Did

T. Wood.
—
20 January
1869.

450. Did you see him there?—Yes.
451. About the same time did you go to the “Acorn”?—Yes; I was down at the “Acorn.”
452. You say you saw Sir Richard Glass at the “Waggon and Horses”?—Yes, I saw him there; that was all I saw of him there.
453. Where did you see him?—I saw him at the parlour, on the left-hand side going in.
454. Were there other people in the parlour?—Yes, I believe there was; I could not say who there was.
455. Could you say how many there were?—There was a good few persons there.
456. Did you say there were a few or a good few?—A good few in the parlour.
457. And you were in the kitchen?—Yes.
458. Did you see Sir Richard Glass do anything, or hear him say anything, while you were there?—I believe he made something of a speech.
459. Did you hear him?—I heard somebody; I did not know particularly it was him; I was told afterwards it was.
460. Now about the “Acorn,” you say you were down at the “Acorn”?—Yes.
461. When was this; the same night?—No, it was not the same night.
462. Was it before or after?—I could not say now, whether it was before or after.
463. It was about the same time of year?—Yes, about the same time of year.
464. Was it within a few days one way or the other?—Yes, it was within a few days.
465. I believe the “Acorn” is kept by John Fox?—Yes.
466. Were there many people at the “Acorn”?—Yes, a great many there.
467. Could you give us some of the names?—Yes, I could give you some of the names.
468. Who were they?—David Smith, of the “Dog Wheel,” a public-house.
469. Anybody else?—Mr. Joseph Cooke, of the “Colliers’ Arms.”
470. Who else?—There was Edward Peel; there was Mr. Birch.
471. What Birch?—Up at the Hawthorne Bush.
472. Is that a public-house?—No; and John Plevy and Daniel Plevy.
473. Any more?—There was Proberts and John Parmenter.
474. Did you see Mr. Burnish there?—Yes.
475. Did you see William Jackson there?—Yes.
476. Can you give me an idea about how many people were there in the public-house?—I could not give you an idea how many were there, but a great many were there.
477. Were there 20, 50, or 100?—More than 30 or 40.
478. Was there beer and tobacco brought in there the same as at the other places?—Yes.
479. And did the people pay for it?—Not that I was aware of.
480. Do you know when the tap was stopped; when did the liquor stop coming?—They came and said the tap was stopped; that was all.
481. Who came?—Mr. Fox and Thomas Cooper came and said that.
482. Did you hear anybody order the tap to be stopped?—No, I did not hear anybody order the tap to be stopped.
483. Also about the same time, within a few days, did you go to a place called the “Old Mug House”?—Yes.

484. Southan’s?—Yes.
485. Do you remember what day that was?—No, I do not remember.
486. How many people were there?—Oh, there were a good many there.
487. Can you give me the names of the people who were there?—There was John Clark there, and James Pargeter, and Mr. Burnish.
488. Yes; who else?—Samuel Danby.
489. Yes; who else?—William Lines; I believe his name is Lines; he lives in Lax-lane.
490. Was Thomas Barber there?—Yes, I believe he was.
491. Did you see him?—Yes.
492. Was there beer and tobacco there, too?—Yes.
493. And was it produced in the same way?—As the others were.
494. Did you see anybody pay for it?—No.
495. Mr. Justice *Blackburn*.] Did you yourself take any of this beer or tobacco at these places?—Yes.
496. Did you pay for it?—No, I did not.
497. Mr. *Fitzjames Stephen*.] Did you see Mr. Burnish do anything there; just consider?—Not that I can recollect; not now.
498. Consider; I do not ask you what was said, but just to remind you of the circumstance; do you recollect some talk that you had with Mrs. Southan, the landlady; I do not ask you what was said; do you remember talking with Mrs. Southan?—Yes, I do; she was talking to me about the beer.
499. Now, remembering that you had some talk with Mrs. Southan, recollect whether you saw Mr. Burnish do anything or say anything to Mrs. Southan?—Yes; I believe he went and told her to stop the tap.
500. Mr. Justice *Blackburn*.] Did you hear him?—Yes; I was in the passage when he spoke it to her.
501. Mr. *Fitzjames Stephen*.] Now, after Burnish had said that, did any more liquor come?—Not that I recollect.
502. Did you go?—Yes; I believe we all went then.
503. Did you go the same evening to a place called the “Swan” inn?—Yes.
504. Kept by Susan Bishop?—Yes.
505. Was there beer and tobacco going there?—Yes, we had some beer and tobacco; I do not know who paid for it there.
506. Was it brought in in jugs?—It was brought in in gallon cans; a man that was at the gas-works called for it; I did not see him pay for it, though.
507. Did you see the tobacco on the table?—Yes.
508. Was it brought in screws as it was wanted, or brought in a saucer?—It was brought in a saucer.
509. And did the people help themselves?—Yes, they all had some that wanted any.
510. Did you see anybody pay for it?—No.
511. Did you get any beer or tobacco at the “Swan”?—Yes.
512. Do you smoke?—Yes.
513. You had some tobacco?—Yes.
514. Did you pay for it?—No.
515. Did you pay for your beer?—No.
516. Whom did you see there; were there many people there?—I saw John Oaks.
517. Were they very busy drinking there?—Yes, a good few were there.

518. Now

T Wood.
20 January
1869.

518. Now we will go to another place; on another evening about this time, do you recollect bonfire night, when they burnt Guy Faux?—Yes.

519. The night that you burnt Guy Faux, did you go to a public-house?—The “Dog Wheel.”

520. When you got to the “Dog Wheel,” was beer and tobacco provided?—Yes.

521. In the same way as in the other places?—Yes.

522. Did the people pay for it?—Not that I was aware of; I did not see money pass for it.

523. Mr. Justice *Blackburn*.] Was it brought in common for the whole company?—Yes.

524. Mr. *Fitzjames Stephen*.] Can you give me the names of any people you saw there?—There was James Pargeter, Edward Lucas, and Proberts was there.

525. Did you see Mr. Burnish?—Yes, and Abel Danby.

526. Any more?—Yes; there were a great many there, but I do not remember any more of their names.

527. Did you see any of the Pountneys; there are a lot of Pountneys in this town?—Yes; there was Christopher Pountney there.

528. Any more besides Christopher?—There was Samuel Pountney there.

529. Anybody else?—Not that I can recollect now.

530. Another evening did you go to the “Vine”?—Yes, I went up to the “Vine.”

531. Was the beer and tobacco provided there in the same manner?—There was some beer; I did not see any tobacco when I was there; I believe there were two dos of beer, but I was only at one.

532. At the do where you were, there was no tobacco?—Not that I was aware of.

533. Was there any beer?—Yes.

534. How much beer about did you see brought?—There might have been 12 or 13 gallons brought in, as near as I could guess.

535. Was it brought in in the same way as the other which you have described?—Yes, and poured out round to the company.

536. Did anybody pay for that that you saw?—No, I did not see anybody pay for it.

537. Did you see who called for it?—No, I did not, if I recollect, not then.

538. Did you get some yourself?—Yes.

539. Did you pay for it?—No, I did not.

540. Can you tell us any of the people who were there?—There was James Carter there.

541. Did you see any of the Pountneys there?—There was Edwin Pountney there.

542. Was Christopher there?—Not that I recollect.

543. Osman Pountney, was he there?—Yes, I saw Osman up there.

544. Charles Pountney, was he there?—Not that I recollect. I did not see him there.

545. Now about the “Cock and Magpie;” about the same time did you go, within a few days of this to the “Cock and Magpie”?—Yes.

546. Was beer and tobacco provided there in the same way?—Yes.

547. Did the people pay for it?—Not that I was aware of; I did not see any money pass at all.

548. It was provided for the company generally, was it?—Yes.

549. Did you get beer and tobacco?—Yes.

550. Did you pay?—No, I did not.

551. How many people were there?—There were a good many women and men there.

552. Was Burnish there?—Yes.

553. Now the same evening did you go to any other public-house?—Yes, I went to the “Labour in Vain.”

554. Was there beer and tobacco going on there in the same way?—Yes.

555. And did anybody pay for it?—I did not see anyone pay for it.

556. How many people were there at the “Labour in Vain,” should you think?—There were a good many people there; the place was all full.

557. Could you give us any names?—Yes.

558. Tell us the names?—Francis Priest and Joseph Priest, and Proverts, and Thomas Pardoe, the barber, was there.

559. Anybody else?—A great many more.

560. Do you know a man named Colrick?—James Colrick.

561. Keeps the “King of Prussia”?—Yes.

562. Was he there?—Yes, I saw him in the passage.

563. Was Mr. Burnish there?—Yes.

564. Was William Jackson there?—Yes.

565. Christopher Pountney?—Not that I recollect.

566. John Parsons, do you recollect him?—No; I do not recollect him at present.

567. John Clark, was he there?—Yes; I saw John Clark there.

568. Now, then, another day, about the same time, did you go to the “Star and Garter”?—Yes.

569. Was beer and tobacco going there in the same manner?—Yes, but very little of it; there was not so much there as in the other public.

570. When there was little of it what happened?—The men that was in the kitchen was kicking up a row that they did not have some more beer.

571. Did more come after they kicked up the row?—Yes; they got another half-gallon.

572. Was that brought to the company generally, or to any particular person?—To the company.

573. Was it paid for, that you saw?—No, it was not.

574. Who was there?—I saw Mr. Fisher, the police constable there.

575. Did you see Mr. Burnish there?—Yes.

576. Did you see Mr. William Jackson there?—Yes, and Edwin Pountney.

577. Who is the landlord, George Pountney?—Yes.

578. Who is that, a son or brother?—A son.

579. Was Christopher Pountney there?—Yes.

580. And Osman, was he there?—Yes.

581. And was there a man called Thomas Elcock?—Not that I recollect, not now.

582. Now, another evening; did you go to the “Old Black Boy”?—In Wribbenthal?

583. Yes, in Wribbenthal?—Yes.

584. And did you see beer and tobacco in the same way there?—Yes.

585. The “Black Boy” is kept by Mr. John Taylor, is it not?—Yes.

586. Was that beer and tobacco supplied in the same way?—Yes.

587. Was it paid for?—I did not see it paid for.

588. Did you get any?—Yes.

589. Did you pay?—No.

590. Did you see a man named John Parsons there?—Yes.

591. Was

591. Was there any speech making?—Not that I recollect not now.

592. Did you see Mr. Burnish there?—Yes, I did.

Cross-examined by Mr. *Giffard*.

593. You mentioned that you were employed to watch for five days; what five days were they?—Friday, Saturday, Sunday, Monday, and Tuesday.

594. That is the Friday before the polling-day, you mean?—Yes.

595. Up to and inclusive of the polling-day?—Yes.

596. Up to that Friday had you had any other employment?—Yes.

597. Do you mean in your trade as a slaughterman, or connected with the election in any way?—No; I was at work at Mr. Boraston's brickyard, making pipes.

598. How long had you been at work there?—I think I had been there a month or three weeks.

599. After the election was over, were you employed?—No, I was not; I lost my work through the election.

600. Have you had any work from the election down to the present time?—No, I have not.

601. When did you go to Mr. Glaisyer?—I did not go to him at all.

602. Did he come to you?—I was in a public-house.

603. Did he come to you?—I do not know particularly whether he spoke to me first; I sat in a public-house when we spoke together.

604. You cannot tell which spoke first?—No.

605. Whose public-house was it?—The "Fox."

606. When was this interview with Mr. Glaisyer, when he took down what you had to say in a book?—I do not know in particular.

607. Never mind in particular, about when? I cannot say for sure.

608. You can tell me whether yesterday, or a month ago, or two months ago?—It might have been about three weeks ago.

609. You believe it was?—Something like that.

610. Did you tell him all you told us to day?—I told him a good deal of it; yes, I believe I did.

611. You were a long time about it; at least I suppose so; how long do you suppose you and Mr. Glaisyer were together talking over this matter?—Not any great while.

612. How long do you suppose?—We might have been an hour together.

613. You do not remember whether he spoke to you or you spoke to him first?—I do not remember which it was spoke first.

614. Did you seen anybody else besides Mr. Glaisyer to give an account of this matter; come, you must know that?—Yes, I gave it to Mr. Griffin of the "Fox," first.

615. When was that?—I do not know particularly when.

616. About when?—It might have been three weeks ago.

617. Was it the same day you saw Mr. Glaisyer?—It was a different day.

618. Before or after?—I forget now whether it was before or after.

619. We will leave that for the present; did

you see any other gentleman who took it down; either Mr. Morgan or any gentleman from his office; any gentleman who took it down besides Mr. Glaisyer?—Not that I am aware of.

620. Then the only time, so far as you now remember, when you have given an account of this matter which a gentleman took down in writing was to Mr. Glaisyer?—Yes.

621. Did you hear any talk about a reward to be given to persons who could give information about the late election?—No, I did not.

622. Did you get anything after you had given all this information, yourself?—No, I did not.

623. You have not got anything yet at all?—No.

624. You were not in work at that time, three weeks ago?—No.

625. How have you been living?—Doing little jobs now and then on purpose to get my living.

626. How were you getting your living that particular day that you were having this long conversation with Mr. Glaisyer?—I had some money in my pocket.

627. But where did you get it?—For doing different things, little jobs.

628. What little jobs?—Going different journeys for butchers, fetching things in.

629. Who was the person who last employed you before this interview with Mr. Glaisyer?—I do not know; I do not recollect now.

630. Nor what you got for it?—No.

631. Now, during the time that you were paying visits to these various public-houses, were they all in the evening that you have told us of?—Yes, they was.

632. After you had done your day's work?—Yes.

633. Were you in work the whole of that time; the period during which you were paying these visits to public-houses?—Yes, I believe I was.

634. Were you in work on the 6th day of July, the day when you say Sir Richard Glass came in?—Yes, I was.

635. Where?—I had been fetching some sheep in for Mr. James Cole in Lax-lane that day.

636. You mean a odd job?—Yes.

637. May I ask what is your name?—Thomas Wood.

638. Will you swear that is your name?—Yes.

639. Have you ever gone by any other name?—Yes; they generally call me Bliss.

640. Is that the name you are generally known by?—That is the name they generally call me about here, but Wood is the proper name.

641. I think you mentioned in the course of your examination that your parents brought you your food; do they live here?—My mother does, but my father is dead.

642. What name does she go by?—Wood.

643. You have been in trouble, I think, have you not?—Yes.

644. What trouble have you been in?—I was in trouble over a sheep as I killed.

645. I suppose they said you stole it?—They did, but I did not steal it.

646. Did they convict you, and did they get you imprisoned for it?—Yes; six weeks.

647. As to this occasion, when you went on the 6th of July which you mentioned, I do not think my lord could have understood it in the way you mentioned it; you were at Mr. Pardoe's on the lawn, were you not?—Yes.

648. And

T. Wood.
—
20 January
1869.

T. Wood. 648. And Sir Richard Glass drove by to his place?—Yes.
 649. He did not come there at all, did he?—No; his carriage stopped opposite the gate.
 650. And you gave him a cheer?—Yes.
 651. Then where was it the cannon were fired?—On the top of the hill by Mr. Shaw's house.
 652. That was when Sir Richard arrived, I suppose?—Yes.
 653. And that was the house where Sir Richard lived during the election?—It was where he stopped at; he was down at Lick-hill some of the time.
 654. Did not he and his establishment go in and occupy the house?—Yes, I believe he did.
 655. You mentioned another place where Sir Richard was?—Down to the Lick-hill.
 656. He took the house and occupied it?—Yes; I believe he did.

Re-examined by Mr. *Fitzjames Stephen.*

657. About this name of Bliss; what was your father's name?—Bliss, and he never was married.
 658. Then about this matter about the sheep, what was it they said you had done?—They said I had stole the sheep.
 659. Mr. Justice *Blackburn.*] You said you had killed the sheep?—Yes, because they gave me the sheep to kill.
 660. Who gave it you?—Mrs. Crumps gave me the sheep and said if I would kill it and sell the skin and give part of the price to her son I could have the rest.
 661. On that they concluded that you had a guilty knowledge in the matter?—Yes.
 662. Mr. *Fitzjames Stephen.*] Were you tried at the session or by the magistrates?—I was tried by the magistrates.
 663. And got six weeks?—Yes.

[The Witness withdrew.]

GEORGE STOKES, sworn; Examined by Mr. *Chandos Leigh.*

G. Stokes. 664. WHERE do you live?—At High-street, Bewdley.
 665. Do you work for anybody?—Yes, Mr. Hewitt over here, an ironmonger.
 666. How old are you?—Fifteen, last September.
 667. Do you remember the day when Sir Richard Glass came into the town?—I cannot remember the day.
 668. But do you remember his coming in?—Yes.
 669. Where were you on that day when he came in?—I was down by Mr. Pardoe's.
 670. Were you alone?—No; some more boys with me.
 671. What did you see when you were down at Mr. Pardoe's?—The men went in and we boys were outside playing; I cannot tell the names of the men, there were ever so many of them in.
 672. Where did the men go into?—They went through the big door; Mr. Pardoe's.
 673. There are high doors leading into Mr. Pardoe's premises?—Yes.
 674. And they went through those high doors?—Yes.
 675. And you were left outside?—Yes, we boys were left outside.
 676. What did do when you were left outside?—We were playing.
 677. And who let the men in?—I did not see who let the men in.
 678. Did anybody stand at the door?—There was somebody at the door; I cannot tell whether it was one all the time, or they took it in turns.
 679. What happened after you had done playing?—The doors were opened, and the boys went in.
 680. What did you see when you got in?—We went down to the back of the house, and there was a table with bread and cheese and ale on it; some of the other boys went first.

681. Did you see any people there?—No, I did not see any people there.
 682. Did you see any people in Mr. Pardoe's garden?—Yes, I saw some in front of the house; there was lots of men there.
 683. Can you say about how many?—I should think 30 or 40; I did not notice them very much; I know there were lots there.
 684. Do you remember any of their names?—No, I do not; I did not take any notice.
 685. Did you see any of those men go up to the table where the bread and cheese was?—No.
 686. Did you go up to the table?—Yes; we went down to the table, and I had some.
 687. And the other boys some?—Yes, all of them.
 688. What was there?—Bread and cheese and ale.
 689. Before you went up to the table, did it look as if people had been eating there?—I did not take much notice; there were things all about; it seemed so.
 690. Did you see Sir Richard Glass drive up?—Yes; I was at the door when the carriage came up.
 691. To what door did he drive up?—The carriage stopped at Mr. Pardoe's big door.
 692. After that what happened?—They stopped there a few minutes, and then the carriage drove up to Winterdyne's; Mr. Shaw's after that.
 693. When the carriage drove up to the big door did anybody get out?—I did not notice that; I was at the top end of them.
 694. Was there any cheering?—Yes.
 695. Can anybody standing in the road see if the doors are shut at Mr. Pardoe's premises?—No.

Mr. *Giffard* stated he would not ask this witness any questions.

[The Witness withdrew.]

JAMES GROVE, sworn; Examined by Mr. *Sturge*.

696. Do you know Thomas Elcock?—Yes.
 697. Landlord of the “Rifleman Inn,” is he not?—Yes.
 698. What are you?—Pikelet and muffin maker.
 699. Has Thomas Elcock on some occasions employed you as a waiter?—Yes.
 700. Where do you live?—At Lax-lane.
 701. And you are not a voter?—I am not a voter.
 702. Do you remember the 27th of October, Tuesday, or about that time; do you remember going into the “Rifleman”?—I have been at the “Rifleman” repeatedly.
 703. Do you remember going there on a Tuesday afternoon?—Yes; I have been there on a Tuesday afternoon.
 704. About the end of October?—I was there.
 705. Do you remember Elcock coming to you and asking you to stop?—Yes.
 706. Was it the Tuesday after Old Hall races?—Yes.
 707. Did he tell you to stop?—Yes.
 708. Did he tell you what for?—No.
 709. And did you stop?—Yes.
 710. What did he give you then?—He gave me a crown piece.
 711. Did he tell you what to do with it?—To lay it out in some beer.
 712. Did you take the five shilling piece?—Yes.
 713. And what did you do with it?—Laid it out in beer; he said, “This is a portion of what we have got from the races.”
 714. Mr. *Giffard*.] Was this Thomas Elcock the one in Lax-lane or Wribbenhall?—In Wribbenhall.
 715. Mr. *Sturge*.] Were there many people there?—Yes, there were a good few there.
 716. Did you go into the kitchen after this five shillings?—I went into the kitchen, when I had a five shilling piece gave me.
 717. Did you spend this in beer?—Yes.
 718. What was it done with?—Drunk by the company.
 719. Brought in in a can?—Brought in in a can, I think.
 720. Was it drunk by the company?—It was there for anybody to partake of it.
 721. Do you know the people who were there?—I know some.
 722. Tell me any names?—A man of the name of Lancet and George Humpherson.
 723. Anybody else?—Thomas Pardoe.
 724. Is that the barber?—Yes.
 725. Anybody else?—A man of the name of Crewe.
 726. Alfred Crewe is that?—Yes.
 727. Anyone else?—One of the name of Davis.
 728. Thomas Davis?—I cannot say that.
 729. Were there any others?—There were plenty there; I do not remember the names.
 730. When you had spent the 5 s., did Elcock afterwards come to you again?—Yes, he was in the kitchen again.
 731. Did he give you anything else?—He gave me 3 s.
 732. Did he tell you what to do with it?—No.
 733. What did you do with it?—Spent it the same as the 5 s.

734. Did you get any more after that?—Two shillings more.
 735. From Elcock?—Yes.
 736. And did you spend that in the same way?—Yes.
 737. After that was spent, did you ask him for any more?—No.
 738. Did the beer run out after that?—Yes, there was more beer brought in; I cannot say who brought it; I had been up all night Monday night, and I had got a drop of beer and had got fresh.
 739. When the beer stopped coming in, did you go to the landlord?—Yes, I went to the landlord.
 740. And did you ask him for some more?—Yes.
 741. And what did he say?—He said, “We shall see about it.”
 742. Where did he go then?—He turned again from me to the passage.
 743. Where did he go to?—In the parlour, I believe.
 744. Do you know who was in the parlour?—No; I know one gentleman who was there, Mr. Benjamin Gardener.
 745. Did Elcock go into the parlour?—Yes.
 746. Did he afterwards come back?—Yes.
 747. Did he give you any more money?—Not after he gave me what I have said.
 748. Was there any more beer brought after that?—Yes, there was beer brought into the kitchen.
 749. Did anybody pay for it?—I did not see anybody.
 750. Did you see anybody besides Mr. Benjamin Gardener in the parlour?—No.

Cross-examined by Mr. *Hardinge Giffard*.

751. Can you tell me what day it was that you saw this?—It was the day after the Old Hall races. I had not had any date of it.
 752. Mr. *Fitzjames Stephen*.] Just one question about Elcock; Elcock gave you, you said, a crown piece, and said, “That is what we got from the races”?—“A portion of what we have got from the races.”
 753. Has he ever said anything else to you about money got from the races?—No, not before that.
 754. But, after the races, did he tell you whether he had got money from the races?—I asked him how he got on, and he said he had done middling at the races.
 755. Did he ever say he had lost money?—Yes.
 756. At the races?—Yes.
 757. When did he say that?—Some time after.
 758. When was it that he said he had lost money at the races?—I do not know the day of the month; I did not know I should be required to take my oath to the day of the month.
 759. But he did say that afterwards?—He did say that.
 760. Mr. *Giffard*.] Did he have a booth at the races, do you know?—Yes.

J. Grove.
 20 Jan.
 1869.

J. Grove.

20 Jan.
1869.

761. This conversation, I think you say, took place, and this money was spent the day after the races?—Yes; on the Tuesday; the races were on the Monday.

762. Did you see that man, who is called

Bliss or Wood, at the "Rifleman"?—I could not say that I saw him; I do not remember seeing him.

763. Were you in the kitchen?—Yes.

[The Witness withdrew.]

GEORGE HUMPHERSON sworn; Examined by Mr. Fitzjames Stephens.

G. Humpherson.

764. ARE you the son of George James Humpherson, the Comb Manufacturer, in this town?—I am.

765. Do you recollect, one day late in October, being at the "Rifleman"?—Yes.

766. Did you see people drinking there?—I did.

767. How many of them?—Well, I could not tell the number; but a great many.

768. Could you give me any of the names?—Yes.

769. Tell me some of the people?—Mr. Benjamin Gardener, Mr. Parsons, Mr. Richard Colwick, Mr. Joseph Price, Mr. Cecil Webster, Mr. Osman Pountney, Mr. Christopher Pountney, Mr. Edwin Pountney. There were others there.

770. What room was Mr. Benjamin Gardener in?—In the parlour.

771. And where were most of the company?—In the kitchen and the parlour; there were a good many.

772. What room was Mr. Webster in?—In the parlour.

773. What were all these people doing?—Drinking.

774. Were they smoking?—Some of them were.

775. How was the beer provided; did each man call for what he wanted, or was it brought for the company generally?—Brought in cans, and Thomas Pardoe, the barber, poured it out; and some were drinking liquor.

776. Did you see anybody pay?—No; I saw no one pay. I saw Parsons offer sixpence, but it was not taken from him, and he put it in his pocket again, or attempted to put it in his pocket.

777. What liquors was it that some were drinking?—It was white. I do not know whether it was gin or whiskey.

778. How long did this go on?—Well, I was in the parlour from half an hour to an hour.

779. Did you have anything to drink?—I drank some of the beer.

780. Did you pay?—No; for the first glass my friend paid for me.

781. What after that?—What I drank after I did not pay for.

782. Did Elcock, the landlord, say anything to you about being there?—He beckoned me out, and said I was wanted; and I said, "All right, tell them I am coming; who is it?" And he said, "You are wanted;" and he came again directly after and said, "You are wanted;" and I said, "Oh! I see; I am not wanted here, that is your meaning." He beckoned me again, and I said "All right;" and with that I went out to him, and he says, "You will do me an injury if you stop here. Whatever you want to drink come on out here, and you can have something, whatever you like;" and I said "I wanted a cup of ale or beer."

783. What room were you in when he called you out?—In the parlour.

784. Were there other persons in the parlour?—Yes, a great many.

785. Were you there when the company went away?—Yes, but I was in the kitchen.

786. How long did they go on drinking in this manner that you have described?—Well, I did not go in the parlour again; I went to sleep after that; I had been shooting.

787. You are a rifleman yourself, are not you?—Yes.

788. What time was it when the people went away?—Well, I left between 12 and 1.

789. Did the others leave with you?—Several had gone before, and some went with me.

Cross-examined by Mr. Hardinge Giffard.

790. I think you said that you had been shooting; had there been a rifle shooting?—Yes.

791. You are one of the riflemen?—Yes.

792. What was your friend's name who you said paid for you?—James Clinton.

793. What is he; is he a rifleman?—He was.

794. At that time?—Yes.

795. How came you to go to the house?—Coming back from shooting at Hartlebury, me and the serjeant went in there.

796. You happened to be on your way?—Well, it was not the direct way home, but we wanted a glass of beer, and we went there to have it.

797. Can you give me the date of that?—It was the latter end of October; the 27th I think it was, but I will not be sure. I know it was the day the Beauchamp was shot for at Hartlebury.

798. Were there any more of the riflemen besides you and your friend Clinton?—Not with me after the serjeant went; he was obliged to leave to go to drill.

799. Did you see any riflemen in the house besides yourself and friend?—Yes, Christopher Pountney.

800. He was one of the riflemen?—Yes.

801. Any others?—Well, I cannot just think of them at the present time. Oh, yes! our ensign was there, Mr. Pardoe.

802. Mr. Fitzjames Stephen.] What Pardoe is that?—This one (pointing to a gentleman near him).

803. Mr. Hardinge Giffard.] Which Mr. Pardoe is that?—Mr. Herbert Pardoe.

804. I suppose he was in the parlour?—Yes.

805. Was he there when you first went in?—No, he came in afterwards.

806. Now, you said that a Mr. Parsons attempted to put a sixpence in his pocket?—Yes.

807. What happened to the sixpence?—I do not know whether he put it in or not; he did not pay, nor no one took the sixpence of him.

808. Who

808. Who did he offer it to?—To Tom Pardoe, the barber; he was keeping the door, and pouring out the beer.

809. Has he anything to do with the public-house generally?—No.

810. On that particular occasion he had?—Door-keeper.

811. He has nothing to do with the public house generally?—Not to my knowledge.

812. You have never known him as a servant of the house?—No.

Re-examined by Mr. *Fitzjames Stephen*.

813. This Mr. Pardoe is Mr. Pardoe's son, is he not?—Yes.

[The Witness withdrew.]

THOMAS LANCET, sworn; Examined by Mr. *Chandos Leigh*:

814. WHAT are you?—A Gardener.

815. Where do you live?—In Wribbenhall.

816. Do you live with your father, James Lancet?—Yes.

817. Do you remember going to the "Rifleman Inn" in October last?—Yes.

818. Do you remember the day in October?—Yes, the 27th of October, Tuesday.

819. Did you go alone?—No.

820. Who went with you?—John Darkes and Joseph Meacham.

821. Those, I believe, are both non-voters?—Darkes is a voter.

822. Is that the "Rifleman Inn," kept by Thomas Elcock?—Yes.

823. Where did you go when you got there?—To the kitchen.

824. What did you do?—John Darkes called for a pint of ale, and he paid for it, and we drank it; and we had another pint or two; and Joseph Meacham called for a pint of beer, and we drank that; then we sat down, and directly after there was some beer brought in by the landlord.

825. What time was this?—Between 6 and 7 o'clock.

826. In the evening?—Yes.

827. Now you were telling us about some beer being brought in by the landlord, had you ordered that?—No.

828. Were there other people in the kitchen besides yourself and Meacham and Darkes?—Yes.

829. Had any of the company in your presence ordered the beer that the landlord brought in?—No, not to my knowledge.

830. What did he do with the beer when he brought it in; how much did he bring in?—Two cans.

831. After that did he come in again; the landlord, I mean?—Yes, he came in several times.

832. Was the beer drunk that was brought in?—Yes.

833. After that beer was drunk, did Elcock come in?—Yes, he came in the kitchen several times.

834. Did he say anything?—No, he did not say anything particular; he said the beer was to be drank for the company.

835. And when it was drank what was to happen?—He said that when that beer was out each person was to pay for what he had.

836. Did anybody after that beer was drank call and pay for what he had?—Yes.

837. Who?—James Grove called and paid for it.

838. What did he call for?—He called for a pint at a time; I think he had two or three pints.

839. And he paid for that?—Yes.

9.

840. Was that drank by other people besides Grove, the beer that he ordered?—Yes; I had some of it, and so did others.

841. After Grove's beer was drunk, what happened?—People began to talk as to whether there was not any more beer coming in.

842. When the people talked about this, did Grove go out of the room?—Yes.

843. Tell us what happened?—He came back again in a short time, and then the landlord, Thomas Elcock, came back and gave Grove a crown piece.

844. I believe you had music going on, a fiddler?—Yes, a fiddler.

845. Did Grove give anything to the fiddler?—He gave him sixpence.

846. Out of the crown piece?—Yes.

847. What happened to the rest of the crown piece?—Spent it in beer, Grove did.

848. After this money was spent in beer, what happened then?—Several parties then had beer of their own, and paid for it.

849. Now, did Grove leave the room again?—Yes.

850. Did he come back again?—Yes.

851. Had you or had you not more beer after that?—We had some more beer.

852. Was that beer that you paid for, or not?—It was not paid for by any in the company then present.

853. Now can you tell us the names of any of the people who were in this kitchen, at this time, at the "Rifleman"?—Yes; James Davis.

854. Is he James Davis, of Lax-lane?—Yes; and John Darkes, James Everett, Henry Charles, William Wakeman, John Davis, and Joseph Gilham.

855. How many were you about altogether there?—I should think between 20 and 30.

856. What time did you leave the "Rifleman"?—Between 10 and 11.

857. Where did you go after that?—I went from there and called at the "Lion Inn," kept by William Lane.

858. Is that in Wribbenhall?—Yes.

859. What did you see when you got to the "Lion"?—There were a few men in there drinking.

860. Can you tell us who they were there, any of them?—Charles Hobbs was there, Peter Mountford, William Jackson, and a man of the name of Sheriff, Mr. Carter's gardener in Wribbenhall.

861. Did you notice what state Hobbs was in?—He was tipsy.

862. Was Hobbs taken away?—Yes.

863. Who took him away?—Peter Mountford took him away.

864. Did you leave about 12 o'clock, and go home?—Some time before 12.

865. Did you see any drink there?—I saw what

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G. Humpherson.

20 Jan.
1869.

T. Lancet.

T. Lancet. what people were paying for with their own money.

20 Jan. 1869. 866. Do you know the "Waggon and Horses," kept by John Reynolds?—Yes.

867. Did you go there about the same time?—Not the same night.

868. When?—The 28th of October.

869. That was the day after?—Yes.

870. When did you go there?—A little about 8 o'clock at night.

871. When you got there what did you do; did you order anything?—I went into the house and went into the parlour, and ordered a pint of beer.

872. Did you pay for that?—Yes.

873. Did you drink it in the parlour?—Yes.

874. Were there any people in the parlour then?—Yes; it was full of people.

875. How many about?—I should think there were over 20.

876. Do you remember any of the names of those who were there?—Yes; Mr. Christopher Pountney, Mr. Charles Pountney, Mr. Osman Pountney, Mr. Thomas Pardoe, the barber; Mr. Milson White, Mr. John Clark, and Pargeter, Mr. Price's engine driver; and John Oaks, and a great many more.

877. Do you know the mayor by sight?—Yes.

878. Was he there?—Yes.

879. Which mayor, the present mayor?—Yes; Mr. Landon.

880. You say you paid for a pint; was that all you had?—That was all I paid for.

881. All you had?—No.

882. How much more had you besides?—I could not say; but my cup was replenished when it was empty.

883. Besides what was served to you, did you see any other liquor in the room at the time?—Yes.

884. Where?—On the table, in the same room where I was.

885. What was it?—Ale.

886. Did you see any of that liquor paid for?—No, not to the best of my recollection.

887. Was it ordered by any one, or was it brought in common for the company?—It was brought in for the company, for what I could see.

888. I think you have mentioned Thomas Pardoe's name as being there?—Yes.

889. Did Thomas Pardoe do anything on that evening?—Made a sort of speech.

890. Do you remember anything that was said by Thomas Pardoe?—Yes, I can recollect something.

891. What?—He said that Sir Richard Glass was a proper sort of man to represent the borough, and he hoped that there were none there but friends and supporters of Sir Richard Glass, and proposed the health of Sir Richard Glass, which was drank with great acclamation.

892. Whilst the speechifying was going on, were you called to the door?—Not while it was going on; after it had gone on.

893. Who called you?—Henry Reynolds, the son of the landlord.

894. Did anything happen then?—He told me that I was wanted outside; and I went out, and could not find anyone; and I went back and asked who it was that wanted me, and he said no one wanted me, but he thought that I had been in there long enough.

895. You, I believe, going from the parlour outside, would have to pass by the kitchen?—Yes.

896. Did you look into the kitchen?—I just glanced in when I went by the door.

897. Did you see any people there?—Yes, Benjamin Hinton and John Carter.

898. Did you see any drink?—They appeared to be drinking, but that I could not say.

899. Do you know the "Acorn Inn"?—Yes.

900. Is John Fox the landlord of the "Acorn Inn"?—Yes.

901. That is an inn by the Severn side?—Yes.

902. Did you go to the "Acorn" about that time?—I do not know whether it was before I went to the "Waggon and Horses" or after.

903. Was it about that time?—One night about eight o'clock; the night of the free and easy.

904. But you do not know whether it was before or after the "Waggon and Horses"?—No.

905. When you got there, where did you go to?—I went to the tap-room.

906. Did you see any one there?—It was full of people.

907. Can you remember the names of anybody you saw?—Yes; Edward Field was there, and Charles Hobbs was there, and Thomas Cooper, and a person they called James Blunt.

908. How many were there, on the whole, could you say?—I could not say how many there was; there was a great many.

909. Was there any liquor there?—Yes.

910. What was that liquor?—Ale.

911. You have used the technical expression "Free and Easy"; will you tell me what a free and easy means?—I do not know; I only know that it was called a free and easy.

912. What goes on at a free and easy?—They were always drinking ale and smoking tobacco; that is all I know of it.

913. Mr. Justice *Blackburn*.] Is anything paid at the door for admission?—No.

914. Mr. *Chandos Leigh*.] Did you pay anything for yourself?—No, I did not pay anything for myself.

915. Not at the free and easy you were at?—No, not at the "Acorn."

916. Did you ever know of this sort of thing going on when an election is not going on?—No.

917. Is it a usual thing to go on in public houses?—Not that I am aware of.

918. Were there any orders given?—Yes, a few.

919. That you heard?—Yes.

920. You told us you saw nothing paid?—There was some money paid, but not for the beer that was drunk in common.

921. Was beer brought in, in common, as well as the beer that was ordered?—Yes.

922. And for the beer that was brought in in common, I understand you to say nothing was paid?—Not that I was aware of.

923. Is there a back kitchen as well?—Yes.

924. Did you see any other people in the back kitchen?—Yes; I saw William Jackson there, and Mr. Cartwright, the printer, and several others; a great number of boys too.

925. Did you see any liquor brought in there?—Yes.

926. Who brought it in?—I do not exactly recollect

recollect who it was that took it in; but it was Thomas Cooper, I believe, that brought it into the kitchen.

927. Was Thomas Cooper discharging any duty that day?—He was acting in the capacity of tap-man, for what I could see.

928. Was there anybody in the passage?—There were some women in the passage.

929. What were the women doing?—Talking, for what I could see of them.

930. Did you see them with any ale?—Yes; I saw them with some jugs.

931. Did you see what was inside the jugs?—No, I did not.

932. Were they drinking from the jugs?—They might be drinking, for all I know; but I did not see them drinking.

933. What did they do with these jugs?—They went away with them, I suppose.

934. Did you see them go away?—I saw women leaving the house with jugs.

935. Can you tell whether they were full or empty jugs?—No; I do not know whether full or empty.

936. Did you see any of these jugs paid for?—No.

937. Do you know the "Old Mug House"?—Yes.

938. Is that kept by Henry Southan?—Yes.

939. One question about the "Acorn;" was there any cheering?—Yes.

940. Why?—A person they commonly call Jemmy, the lad, was there.

941. Did they cheer him, or did he cheer?—He rose the cheer for Sir Richard Glass.

942. Was that in the kitchen or the parlour?—In the kitchen.

943. Now, you said you know the "Old Mug House," kept by Henry Southan?—Yes.

944. Did you go to the "Old Mug House" about that time?—On November the 4th, I believe it was.

945. Was anything going on there?—Yes; there was beer on the same scale as at the other places.

946. Whom did you see there?—I went in with Charles Southan, the landlord of the "Cock and Magpie;" Joseph Meacham was with me.

947. This is kept by Henry Southan?—Yes.

948. Did Henry Southan bring any beer in?—Yes.

949. What did he bring in?—He brought it in cans; I do not know whether gallons or half gallons.

950. Was it ordered by anybody?—I heard Mrs. Southan, the landlady, say that Mr. Burnish ordered it.

951. Was any tobacco brought in at the same time as the beer?—Yes.

952. Was the ale given to the company?—Yes.

953. About what time was that?—It was after eight o'clock when I went.

954. How long did this ale drinking go on?—I should think it lasted from nine till ten.

955. What happened when this ale was finished?—The parties paid for some then.

956. What time was that?—I think it was somewhere about 10 o'clock.

957. Was it announced that the treat was stopped, that the ale was stopped?—The landlord said the tap was stopped.

958. After that you began to pay?—Yes.

959. Now after this stoppage did anybody go out?—Yes.

960. Who?—Edward Peel.

961. What did he go out for?—He said he would go out and see if he could get some more beer; something to that effect.

992. Did he get any more?—No.

963. You have made a statement about Mrs. Southan and Mr. Burnish; did you see Mr. Burnish there?—I did not see him.

964. Do you know the "Cock and Magpie," kept by Charles Southan?—Yes.

965. Did you go there about that time?—It was on November the 9th; I was there pretty nearly all the afternoon that day.

966. What were you doing there nearly all the afternoon?—I helped Charles Southan to fetch forms and a table, something of that description, from his brothers.

967. What for?—For the purpose of making it convenient for the party that was going to be there that night.

968. About six o'clock that evening, did you have anything to drink?—Yes.

969. What?—Beer.

970. In the back parlour?—Yes; in the back kitchen rather.

971. Yourself I am talking about?—Yes.

972. Was Mrs. Southan the landlord's wife in there with you?—Yes.

973. Did anybody come in there?—Yes.

974. Who?—James Pargeter.

975. Who is James Pargeter?—Mr. Price's engine-driver.

976. Is that Mr. Price at the tan yard?—Yes.

977. Did Pargeter see you?—Yes.

978. Did he on that make a remark to Mrs. Southan?—Yes.

979. Have you seen Pargeter canvassing about?—No.

980. Did Pargeter go away after that?—Yes.

981. And did he come back again?—Yes.

982. And did he say something to Mrs. Southan then?—Yes.

983. Were you on the following day at this "Cock and Magpie"?—Yes.

984. Were you there with John Strange, the landlord of the "Old Waggon and Horses"?—Yes.

985. Did Strange say anything there?—Yes.

986. What did he say?—We were talking about beer at these public-houses, and one thing and another.

987. Do you know the "Hop Pole," Mrs. Winwood's?—Yes.

988. Were you on the 15th of September there?—No.

989. When were you there?—I have not been there at all.

990. Do you know Miss Nicholas?—Yes.

991. Who is Miss Nicholas?—She is Mr. Nicholas' daughter, on the other side of the Severn.

992. What is Mr. Nicholas?—A solicitor or a lawyer, or something of that kind, I believe.

993. Did Miss Nicholas come to your house one day?—Yes.

994. Were you present?—Yes.

995. When was it about?—In the morning just before dinner.

996. Mr. Justice *Blackburn*.] Before or after the election?—After the election.

997. Mr. *Chandos Leigh*.] Did she give your mother anything?—Yes.

998. What?—Four shillings.

T. Lancet.

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20 Jan.
1869.

T. Lancet.

20 Jan.
1869.

Mr. *Hardinge Giffard* objected to the evidence, on the ground that the name of Miss Nicholas was not included in the list which had been furnished by the other side to the Respondent.

Mr. Justice *Blackburn* stated, that if the counsel for the Petitioners attached importance to this case, they must recall this witness at a later period.

Mr. *Fitzjames Stephen* stated that there was only one more question to ask on this point.

Mr. *Giffard* offered no objection to the question being asked now.

Mr. Justice *Blackburn* stated that Mr. *Giffard* could, if he pleased, cross-examine the Witness on this point at a later stage.

999. Mr. *Chandos Leigh*.] What did Miss Nicholas say when she gave 4 s. to your mother?—She made some remarks about Sir Richard Glass being returned for the borough; said he was a very nice man, and asked my mother if she did not think it was a very good thing that he was returned, and wound up by asking if my father had voted for Sir Richard Glass, but said afterwards, that she did not give the money in regard to those who voted for Sir Richard Glass, because there were some who did vote for Sir Richard Glass, to whom it would not be a charity to give it.

1000. Did she say who sent the money?—She said that Sir Richard Glass sent it.

In answer to his Lordship, Mr. *Giffard* stated that he would not postpone the cross-examination of this Witness.

Cross-examined by Mr. *Giffard*.

1001. I think you said you were a gardener?—Yes.

1002. Where are you working as a gardener?—Nowhere at present.

1003. When did you used to work anywhere as a gardener?—I have been acting as a journeyman gardener, gardening at different places about.

1004. When last, is my question?—Some two years ago.

1005. What have you been doing since, for the purpose of getting your living?—Working at a tan yard, Mr. Thomas Beaman's, in Lax-lane, Bewdley.

1006. When did you go and work with him?—Twelve months ago, now.

1007. Do you mean you have been working with him from that time till now?—No.

1008. When last did you work for him?—Twelve months ago very near, since I left.

1009. What have you been doing since?—I have not been doing anything particular since.

1010. Have you been at any time in the employment of Mr. Morgan, Mr. Lloyd's agent?—Yes.

1011. When did you get into his employment?—At the late election.

1012. But when?—I do not recollect the day.

1013. Was it before the polling day or after, or what?—A little before.

1014. How long before?—I do not recollect how many days.

1015. But about?—I could not possibly say.

1016. What were you employed at?—Taking the polling cards and different things out.

1017. I suppose you were paid?—Yes.

1018. That will remind you I dare say, of how long you were employed; what were you paid?—I was paid according to the number of cards or notices, whichever it was that I took out.

1019. Was that the only form of employment you had of Mr. Morgan?—Yes, before the election.

1020. We will come to after the election presently, before the election I am speaking of at present; you told me how your wages were calculated, but how were you paid, every Saturday night, or every day, or how?—No; I was paid at once.

1021. Paid every time you acted?—No, paid for the whole affair I did; at one time.

1022. What were you paid?—£. 3 10 s.

1023. When was that payment made to you?—I do not recollect.

1024. About; was it the day after the election?—Some time after the election.

1025. Who first employed you?—Mr. Morgan, I believe.

1026. You have no doubt about that, I suppose?—I do not recollect exactly whether it was Mr. Morgan or Mr. Glaisyer.

1027. And you took directions, I suppose, from time to time from either Mr. Morgan or Mr. Glaisyer as to what you were to do?—Yes.

1028. Did they send you to any of these public-houses?—No.

1029. How came you to go there?—Of my own accord.

1030. You did not go there, I suppose then, because they were places where Sir Richard Glass's friends met?—No, I thought I would go because I saw others going, and I thought I might as well go.

1031. That is the only reason you had to go?—The only reason.

1032. You said something about being employed by Mr. Morgan after the election; how have you been employed by Mr. Morgan after the election?—Going with a man delivering subpoenas; serving subpoenas.

1033. But it does not require two to serve a subpoena?—No; but I was acting as a guide to take them to the places where they wanted to go.

1034. Have you been in Bewdley ever since the election?—Yes.

1035. Never been to London since?—No.

1036. Or Birmingham?—Yes.

1037. You cannot have been in Bewdley ever since then?—I was only half a day away.

1038. What did you go to Birmingham for?—With a friend of mine, Samuel Farmer.

1039. What for?—Because he asked me to go with him.

1040. Did you pay for your journey?—He paid for me.

1041. What is he?—A cabinet-maker and carpenter, I believe.

1042. How came he to pay?—Because he wanted my company.

1043. When was this?—I do not recollect which day it was.

1044. About; I am not asking you exactly?—I think it was a few days before Christmas day.

1045. Had he anything to do with the election?—Nothing at all.

1046. Is he a voter?—No.

1047. Where does he live?—In High-street.

1048. In this town?—Yes.

1049. Have

1049. Have you been getting up evidence for Mr. Morgan?—Not directly.

1050. Just explain what you mean by that?—I have not been paid to do it.

1051. I did not ask you that, you see; just explain what you mean?—If I have heard anything I have told them.

1052. And how many times do you think you have heard something and told them?—I cannot say.

1053. A good many times, I suppose?—Several times.

1054. And has it been part of your, I will not say employment, but practice to go out into the town and hear something, and tell it to Mr. Morgan?—I could not help hearing something.

1055. And you could not help telling Mr. Morgan, I suppose?—No.

1056. Has he taken it down?—Mr. Glaisyer.

1057. How long have you been thus employed, hearing things and having them taken down?—Since the election, and a little while before.

1058. What was the last payment you have received of Mr. Morgan for any service?—Five shillings.

1059. I meant when?—I do not recollect when.

1060. About how long ago?—A few days ago, from Mr. Glaisyer, I received that.

1061. What had you done that day?—Delivered a few subpoenas.

1062. How long were you employed?—Three parts of the day, or thereabouts.

1063. And, since the election, has that been the only mode in which you have worked to get your living at all?—Yes.

1064. Your mother, I think, lives in Bewdley?—In Wribbenhall.

1065. Is she in the service of Miss Nicholas, whose name you mentioned?—Not that I am aware of.

1066. You never were aware of it?—She has not lately, I know.

1067. Are you at all aware of her working for Miss Nicholas?—Not that I am aware of.

In answer to Mr. Justice Blackburn, Mr. Giffard stated that he proposed to cross-examine the Witness now on this point.

1068. How long had you been away from Bewdley before the election?—I had not been away for some time, for any length of time.

1069. How long?—I think the longest period that I was away from Bewdley was six months; that was four or five years ago.

1070. Since that you have been in Bewdley?—In Wribbenhall.

1071. Have you lived with your father and mother?—Yes.

1072. Do you mean to say you do not know whether your mother worked for Miss Nicholas at all?—I never took any notice of such things.

1073. Do you mean to swear that you did not know whether she worked for Miss Nicholas?—I would not say she has or has not.

1074. Living at home with your father and mother the last five years, do you mean to say that you do not know that your mother worked for her?—I could not swear about it.

1075. Do you believe she has?—Well, it is a question of doubt to me.

1076. Do you believe she has?—She may have done it, or she may not.

1077. Do you believe she has?—I believe she might have worked for her.

1078. So do I; but I ask you, do you believe she has?—Yes, I believe she has.

1079. Now, you have mentioned once or twice, in going to these different public-houses (I will not go through them all)—that beer was brought in for the company, and I think on one occasion you said that the landlord said so?—Yes.

1080. Just tell me what words he used?—He said, "Here is some beer for you to drink," and they were to drink it; and then when it was out he came in and said that we were to pay for our own.

1081. You gave us a particular landlord and a particular house; you said he came in and said that that was for the company to drink; he did not use, as I understand you now, the word company at all?—No, he did not.

1082. I want his words, as near as you can give them?—He said, as near as I can recollect, "Here is some beer for you to drink"; I do not recollect anything nearer.

1083. As he said that, what did he do?—Placed it on the table.

1084. What was "it"?—Two cans.

1085. What landlord was that?—Thomas Elcock, the "Rifleman" inn.

1086. What day was that?—The 27th of October; a Tuesday.

1087. Was that the day after the races?—I believe it was.

1088. Were you at the races?—No.

1089. Do you remember whether it was shortly before that, that Mr. Hemming, the other candidate for this borough, had retired?—Yes; I think it was.

1090. How long before that do you remember?—I cannot recollect.

1091. It was about that time?—Some time before then.

1092. Mr. Justice Blackburn.] Which was first, the candidate retiring, or going to the races?—Mr. Hemming retiring.

1093. Mr. Giffard.] You said, first, shortly before that. Do you mean to retract that now; Was it shortly before that?—Some considerable time.

1094. You are quite sure about that?—Yes.

1095. You say, "Considerable time"; what do you mean by that?—I do not exactly recollect how long it was.

1096. Mr. Justice Blackburn.] When you say "some considerable time," do you mean a month, or six weeks?—I should think it was a month, or five weeks, if not more.

1097. Mr. Giffard.] You were present, I think you say, at the time Miss Nicholas came with the money for your mother?—Yes.

1098. What were your mother's circumstances; was she poor?—She is not very well off.

1099. Is she poor, or not?—I do not know what you mean by poor.

1100. You are doing nothing for the family, except in the way you told us?—No.

1101. What is your father?—He works for Mr. Price.

1102. What are his wages?—I do not know.

1103. You never heard?—No.

1104. Did Miss Nicholas say she had received a cheque for 10*l.* to be distributed among the poor?—She did not say anything about a cheque.

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1105. Did

T. Lancet.

20 Jan.
1869.

*T. Lancet.*20 Jan.
1869.

1105. Did she say she had received 10 l. to be distributed among the poor?—Yes.

1106. You did not mention that; had you forgotten it?—I was not asked the question.

1107. I think you were asked what she said. You had not forgotten that?—No.

1108. Did Miss Nicholas say she was to distribute that among the poor, without reference to which way they voted?—She said she was not giving it with regard to those who voted for Sir Richard Glass, because there were some who voted for him to whom it would not be a charity to give it.

1109. Did she say that she was to distribute it among the poor without reference to which way they voted?—I did not hear her say so.

1110. Will you swear she did not say so?—I did not hear it.

1111. I think you said that she said it was sent by Sir Richard Glass?—Yes.

1112. You are mistaken there, are you not; she said it was sent by Lady Glass?—She said Sir Richard.

1113. You are quite sure?—Quite sure.

1114. Was Miss Nicholas in the habit of visiting that district among the poor?—Yes, I think she is.

1115. I do not mean during the election only, it was her habit to visit in that district?—She has been at our house several times.

1116. Long before the election?—Yes.

Re-examined by Mr. Fitzjames Stephen.

1117. Miss Nicholas, you said, I think, asked which way your father had voted?—Yes.

JOHN CARTER, sworn; Examined by Mr. Sturge.

J. Carter.

1130. ARE you under-gamekeeper to Mr. Hemming?—Yes.

1131. And you are not a voter?—No.

1132. Where do you live?—At a place called Bark-hill.

1133. Do you know the "Rifleman" inn?—Yes.

1134. Thomas Elcock is the landlord?—Yes.

1135. Do you remember going there the end of October?—Yes.

1136. What day was that?—I cannot recollect.

1137. Was it on a Tuesday?—I cannot tell.

1138. What room did you go into?—Into the tap-room.

1139. Were there many people there?—No.

1140. Whom did you see there?—I see Samuel Adams.

1141. Do you remember about what time that was; was it at the time of the Old Hall races; do you know anything about them?—No.

1142. It was about the end of October, you say?—Yes.

1143. The last week in October, was it?—I cannot say; I am no scholar.

1144. Mr. Justice Blackburn.] Do you recollect the shooting of the riflemen for the Beauchamp cup?—No.

1145. Mr. Sturge.] You say that you went to the tap-room and saw Samuel Adams there?—Yes.

1146. Anybody else?—Joseph Tankis.

1147. Anybody else?—James Phillips.

1148. Anybody else?—George Hinton.

1149. Anybody else?—No one else that I know.

1118. Your father is James Lancet, of Wribbenhall?—Yes.

1119. And is a voter, is he?—Yes.

1120. Do you know which way he voted?—He voted for Sir Richard Glass, I believe.

1121. What does your mother work at when she does work?—She is a laundress.

1122. You said you believed that your mother had worked for Miss Nicholas; do you know how long ago, or when she worked for her?—No; I do not.

1123. Working for her when she was a laundress, was taking in washing for her, perhaps?—She might have done so.

1124. You say you believe she did; I want to know when you think she worked for Miss Nicholas; how long ago?—I am sure I cannot say; I think I have a faint recollection of Miss Nicholas having dresses washed at our place.

1125. How long ago?—Well, I cannot recollect the date.

1126. You have been asked about what you did about 5 s. that you got from Mr. Morgan for serving subpoenas; did you act as guide?—Yes.

1127. Who to; what is the man's name?—Finch, I believe.

1128. And you served subpoenas on various people?—Yes.

1129. Did Elcock say anything to you when you were serving subpoenas.

Mr. Giffard objected to the question, on the ground that it did not arise out of the cross-examination.

[The Witness withdrew.]

1150. Were there other people there that you did not know?—It may be four or five more.

1151. What time in the evening was this?—Between six and seven o'clock, as near as I can recollect.

1152. What were they doing there?—They were having some beer, and Samuel Adams was singing.

1153. Did Elcock come in?—Yes.

1154. Did he bring anything with him?—Yes.

1155. What did he bring?—Two jugs of beer.

1156. And what was done with the beer?—Drunk.

1157. By the company?—Yes.

1158. Did you get any?—Yes.

1159. Did you pay for it?—No.

1160. Did you see anybody pay?—No.

1161. How long did you stay there?—About half an hour.

1162. And then you went away?—Yes.

1163. Do you know the "Waggon and Horses," in Welsh Gate?—Yes.

1164. John Reynolds is the landlord, is he not?—Yes.

1165. Do you remember going there?—Yes.

1166. Do you remember what day that was?—No.

1167. Was that before you had been to the "Rifleman," or afterwards?—Afterwards.

1168. Soon afterwards?—It may be within a week afterwards.

1169. What room did you go into there?—In the tap-room.

1170. Were there many people there?—Yes.

1171. Who was there?—I saw Edward Aston,

Aston, George Garbett, William Genner, and Mr. Jackson.

1172. Is that William Jackson?—Yes, the painter.

1173. Does he live at Wribbenhall?—I think so.

1174. Do you recollect anybody else?—No.

1175. Was there any beer in the room?—Yes.

1176. Was it in a jug, or had everybody their own?—It was in a can.

1177. In a large can?—Yes.

1178. Did you see the company help themselves, or did anybody help them?—Yes; there was a boy pouring it out.

1179. Did you pay anything?—No.

1180. You had some?—Yes.

1181. Did you see anybody pay anything?—No.

1182. Did you see any ale taken out of the house while you were there?—No.

1183. Do you know the "Peacock"?—Yes.

1184. William Hay is the landlord, is he not?—Yes.

1185. Do you remember going there?—Yes.

1186. What day was that; was it before you had been to the "Waggon and Horses," or afterwards?—I am sure I cannot tell.

1187. Was it about the same time?—Very near the same time.

1188. Within a day or two?—Yes.

1189. Who went with you?—Thomas Harvat and James Davis.

1190. What time of day was that?—About seven o'clock at night.

1191. Did you ask for any drink?—Yes.

1192. What?—A pint of ale.

1193. And got it?—Yes.

1194. Did you sit down?—Yes.

1195. Were there many people there?—Yes, a good few.

1196. Who were there that you can remember?—Charles Hobbs was one; Gillam, of the "Vine."

1197. Do you remember anyone else?—And Oakes, on the Wyre.

1198. Was Pargeter there, do you remember?—No, I cannot remember.

1199. How many people were there?—It may be 14 or 15.

1200. Were they drinking?—Yes.

1201. Who brought in the drink?—The girl; the servant girl.

1202. In a jug?—Yes.

1203. Did you pay for the pint?—Yes.

1204. Did you have anything more?—Yes.

1205. Out of the jug?—Yes.

1206. Did you pay for that?—No.

1207. Did you see anybody else pay?—No.

1208. How long did you stay?—About half an hour.

1209. Did you all go together, or leave anyone there?—We three went together.

1210. Were there other people left behind?—Yes.

1211. Do you know the "Vine Inn"?—Yes.

1212. Thomas Gillam is the landlord?—Yes.

1213. Do you remember going there?—Yes.

1214. What time was that?—Between seven and eight.

1215. What day?—I do not know.

1216. Was it after you had been to the "Peacock"?—Yes.

1217. Mr. Justice *Blackburn*.] The same day, or a different one?—A different one.

9.

1218. Mr. *Sturge*.] Within a day or two?—Yes.

1219. Where did you go; into the parlour or kitchen?—Went into the kitchen first.

1220. Who were there; many people there?—Yes, a good few in the kitchen.

1221. Then did you afterwards go into the parlour?—Yes.

1222. Can you tell us who were in the parlour?—I saw Mr. Parsons.

1223. Yes; who else?—William Phillips.

1224. Who else?—Thomas Sparks, Charles Hobbs, Samuel Birch, and William Birch.

1225. Any more?—Mr. Price's engine-driver.

1226. What is his name?—I do not know his name.

1227. Anybody else?—I cannot recollect any more.

1228. How many were there altogether?—It may be 30.

1229. Do you know any of the Pountneys?—Yes.

1230. Did you see any of them there?—Yes, I saw William there.

1231. Do you know their Christian names?—I saw Osman, Edwin, and Charles.

1232. Was there any drink there?—I did not see them take any.

1233. Did you see the company drinking anything?—Yes.

1234. Who brought it in?—I did not see who brought it in.

1235. Was it in a jug or a can?—In a can.

1236. Did the company help themselves?—Yes.

1237. Did you drink?—Yes.

1238. Did you pay anything?—No.

1239. Did you see anybody pay for this?—No.

1240. In the parlour was there any speaking; did anyone make a speech?—Yes.

1241. Who was that?—I heard Mr. Parsons.

1242. What was his speech about?—He said that Mr. Lloyd would not have any chance of standing past the middle of the day.

1243. Do you know the "Labour-in-Vain" public-house?—Yes.

1244. Did you go there?—No.

1245. You have not been there?—No.

1246. Have you been to the "Cock and Pie"?—No.

1247. Mr. Justice *Blackburn*.] Did you say that Mr. Parsons said this in the course of conversation, or did you mean to say that he made a regular speech, and addressed the company?—He was set down.

1248. Merely conversation, then, not a speech?—Yes.

Cross-examined by Mr. *Giffard*.

1249. You have told my learned friend, I think, that you were half an hour at one of these places; you have not been asked about the others; how long were you at them; how long were you at the next one after the "Rifleman"?—I was about half an hour there; it may be rather better than half an hour.

1250. I think you say that you had something to drink; did you help yourself, or did anybody ask you?—They gave me some.

1251. Was that the same at all of them, or did you help yourself at any of them?—Some they gave me, and some I drank myself.

c 3

1252. I mean

J. Carter.

20 Jan.
1889.

J. Carter. 1252. I mean some of that you did not pay for?—Some I helped myself to, and some they gave me of it.
 20 Jan. 1253. Did you speak to anyone before helping yourself?—Yes.
 1869. 1254. You were not a voter I think you say?—No.

1255. You mentioned that you brought in two companions with you at one of these places, Harvat and Davis?—Yes.

1256. Those are neither of them voters, are they?—No.

[The Witness withdrew.]

JOSEPH MECHAM, sworn; Examined by Mr. *Fitzjames Stephen.*

J. Mecham. 1257. WHAT are you?—Labourer.
 1258. Do you recollect the latter part of last October going to the “Cock and Magpie”?—Yes.
 1259. Who did you go with?—William Payne and William Carter, and James Plevy.
 1260. Was Thomas Carter with you?—Yes.
 1261. What room did you go to when you went there?—We were in the back place.
 1262. Can you tell us what day of the month it was?—No, I cannot in particular.
 1263. What month was it in, October or November?—November, I think.
 1264. What part of November; the early part or the latter part?—I think it was somewhere about the 9th.
 1265. What room did you go into when you got into the “Cock and Magpie”?—When me and Lancet was there in the evening, we were in the back place by our two selves.
 1266. Did you go into any other place besides the back place?—Lancet was not with me when I went into the bar.
 1267. Did you go into the bar?—At night with James Plevy and William Carter, and William Payne.
 1268. What time of night did you go into the bar?—Somewhere about half-past seven at night, as near as I can guess.
 1269. How many people were there in the bar when you got there, about?—That I cannot say.
 1270. Were there few or many?—Not many, because it was a very small place.
 1271. Was the place full or empty?—It was full, the small place where we were; it would not hold above a dozen, or something like that.
 1272. Were there other rooms in the house besides that?—Yes, but I was not in them.
 1273. All you saw was in the bar?—Yes.
 1274. What were they doing in the bar?—I went in and had a pint of beer, and after we had been there a little time Mrs. Southan brought me in some beer to the bar.
 1275. Was that beer that you had ordered?—No, we did not order it.
 1276. How much beer was brought in at that time?—I cannot say.
 1277. Did the people in the bar drink it?—Yes.
 1278. Had anybody ordered it?—I cannot say.
 1279. Did you hear anybody order that?—No.
 1280. How much beer was brought into the bar, that you saw?—I was there a long while, but I did not take any notice what beer was brought in, nor how much.
 1281. Was it brought in to particular people who ordered it, or was it brought in generally for the company?—It was brought in generally for the company, I believe, for we who were in the bar. I was not in the other places.
 1282. When it was brought in, did the company

help themselves, or was it given to particular people?—The company helped themselves.

1283. Did you see anybody pay for it?—No.

1284. Could you give me the names of any people you saw there?—No more than what I have told you.

1285. Did you fetch anybody there?—Yes, I did.

1286. Whom did you fetch in?—Three young girls.

1287. Did the young girls get anything to drink?—Yes; it was there for them, or anyone else as went in there as was long with we.

1288. Can you tell me any of the people who were in the bar; you have mentioned Lancet; he did not go into the bar?—No.

1289. Who were there when you went into the bar?—I was the first that went in there.

1290. Who was there that came in afterwards?—I did not notice anybody beside the three young men I told you.

1291. Do you know a man named Thomason?—Yes.

1292. Was he there?—I saw him in the kitchen; he came into the bar after we had been there a little while.

1293. Were there others besides him in the kitchen?—There were others; I cannot say whether they were paying for their own beer or not; I only saw them through the window.

1294. Did it look pretty full of people through the window?—It was full enough.

1295. Did you see a man named William Lynes?—No; he was not there.

1296. Thomas Wood?—I see him come in the house.

1297. Was he in the bar?—No.

1298. One day, late in October, did you go to the “Rifleman”?—Yes, I was at the “Rifleman”; I cannot say when it was.

1299. Was that before the “Cock and Magpie”?—Yes.

1300. What was going on at the “Rifleman” when you were there?—Me and Lancet went in there, and John Darkes, and we had two pints of beer between the three of us; and there was two half gallons of beer brought in afterwards.

1301. For the company generally?—Yes.

1302. Did any one drink it who liked?—Yes.

1303. And was that paid for that you saw?—Not that I saw.

1304. How much beer was brought in in that way at the “Rifleman”?—Only those two half gallons; that I can answer for.

1305. How long did you stay there?—Till half-past nine, or from that till ten o'clock.

1306. What room were you in?—The kitchen.

1307. How many people were there do you think?—That I cannot give no idea of at all.

1308. Was it pretty full?—Yes, it was pretty full.

1309. Did you see a man named Grove there?—Yes.

1310. Did

1310. Did you see him leave the room?—No.
 1311. Were the two half gallons finished before you left?—Yes.
 1312. After they were finished, did any more come?—Thomas Elcock brought in a five shilling piece, and gave it to Grove.
 1313. What did Grove do with it?—Spent it.
 1314. In beer?—Yes, all but 6d., and that he gave to a man who was fiddling in there.
 1315. Was that beer drank by the company at large?—Yes.
 1316. Was there any more beer drank after

that?—Well, I will not say whether there was, because I am not sure. *J. Mechem.*

1317. Do you know Mr. Gardener?—Yes.
 1318. Did you see him there?—No.
 1319. Did you see anybody in the parlour?—No.
 1320. Did you go into the parlour, or go past the door at all?—No.
 1321. Are you a voter?—No.

Mr. *Giffard* stated that he would not ask this witness any questions.

JOHN GARRETT, sworn; Examined by Mr. *Chandos Leigh*.

1322. ARE you a voter for Bewdley?—Yes.
 1323. Where do you live?—At Spring Grove.
 1324. And are you a waggoner to Mr. Hemming?—Yes.
 1325. Do you remember going to the “Rising Sun” at Catchem’s End in October last?—Yes.
 1326. Can you fix the day?—On the 31st of October.
 1327. What did you go there for?—I am on the Foresters’ club that is held there, and it was our regular club night.
 1328. Did you go to attend a club night?—Yes.
 1329. Did you find the club business over when you got there?—Yes.
 1330. Did you go into the club room there?—Yes.
 1331. What did you find going on in the club room?—A lot of people drinking there.
 1332. Were they all club people?—No.
 1333. Had the drinking anything to do with your club?—No.
 1334. What were they drinking?—Beer.
 1335. What did they drink the beer out of?—I believe it was glasses.
 1336. Were there jugs on the table?—I think it was cans, not jugs.
 1337. Did you see any money paid?—No.
 1338. Who brought the beer in?—I think the landlord brought it in.
 1339. Did you hear orders given for beer?—No.

1340. After that, did you go into the front parlour?—Yes.

1341. Did you go of your own accord, or were you sent for?—Some person came up to the club room door and called me out, and said Sir Richard Glass wanted to speak to me.

1342. Did you go into the front parlour?—Yes.

1343. Whom did you find there?—Sir Richard Glass, Mr. Bury, young Mr. Pardoe, and Mr. Gardener.

1344. Do you mean by young Mr. Pardoe, Mr. Herbert Pardoe?—Yes.

1345. Is he that gentleman (*pointing to a gentleman*)?—Yes.

1346. Who is Mr. Bury?—A lawyer, I believe.

1347. A lawyer in Bewdley?—Yes.

1348. When you got into the parlour, was anything said?—Sir Richard asked me if I had any objection to give him my vote. I told him I had. He then asked me what my objections were. I told him there was a great difference in our opi-

nions on the great questions of the day; that I could not conscientiously give my vote to any Conservative. He then asked me what my objections were. I told him that my views on the Irish Church question were in accordance with Mr. Gladstone’s views. He then asked me if I thought with Mr. Gladstone that the Irish Church ought to be swept away from Ireland altogether. I said, No, I did not believe that was Mr. Gladstone’s object either.

1349. Mr. Justice *Blackburn*.] You may pass over the general politics?—He asked me at last if I was a Catholic. I said I was. He said if he had known that sooner he should not have talked to me so long.

1350. Mr. *Chandos Leigh*.] Did you then leave the parlour?—He then asked me if I had been to consult the priest about that.

1351. After Sir Richard Glass had said to you that about your being a Roman Catholic, did you leave the parlour?—Yes.

1352. Did you go back into the club room?—Yes.

1353. What did you find there?—I found a lot of people still drinking there.

1354. Was there any toast proposed?—Sir Richard Glass’s health was drunk.

1355. Did you see anybody pay for what they had?—No.

1356. Did you pay?—No.

Mr. *Giffard* objected that the name of this witness was not in the treating list.

Mr. Justice *Blackburn* stated that it was an additional piece of evidence, to show that there was treating going on at the “Rising Sun.”

1357. Mr. *Chandos Leigh*.] Did you have anything yourself?—Only beer.

1358. Did you have the beer in the room where Sir Richard Glass’s health was being proposed?—Yes.

1359. Can you tell us any of the people who were in that room?—There was Philip Smith, Henry Charles; those were club members; and there was Edwin Darkes. I do not recollect any more that I knew.

1360. Did you see William Jackson there?—Yes.

1361. Was John Goodwin there?—Not up in the club room; he was in the house.

1362. Was Richard Danby there?—Yes.

Mr. *Giffard* stated that he would not ask this witness any questions.

J. Garrett.

20 Jan.
1869.

EMMA MOODY, sworn; Examined by Mr. *Fitzjames Stephen*.

E. Moody.

20 Jan.
1869.

1363. ARE you the wife of John Moody?—
Yes.

1364. What is he; is he a shepherd?—Yes.

1365. Do you recollect going to the "Waggon and Horses" one night?—Yes.

1366. What night was that?—The 31st of October.

1367. Was that kept by John Strange?—
Yes.

1368. I believe you first went to get some beer?—Yes.

1369. And after you had got the beer for somebody else, did you return there again later in the evening?—Yes; I returned there again.

1370. What time was it when you returned back again?—About nine o'clock.

1371. How many people were there. Can you give me an idea of what sort of number of people there were at the "Waggon and Horses" when you came back?—Well, there were a great many there.

1372. What were you doing?—I was outside there, and inside too.

1373. Did you see any one that you knew come out of the front parlour?—I saw Sir Richard Glass go in and come out.

1374. Which room was it that you saw Sir Richard Glass go in and come out of?—The parlour.

1375. Did you see anybody else come out of that parlour besides Sir Richard Glass?—I saw Mr. Boucher and Mr. Parsons.

1376. Anybody else?—Peter Mountford; I see him there.

1377. Anybody else?—No; I do not remember.

1378. Do you know Mr. Gardener?—Yes; I saw him, but I did not see him come out of the parlour; I saw him come out of the house.

1379. Can you give me the names of any of the people who were in the kitchen?—I saw a great many there.

1380. Do you remember any of them?—James Bishop was there.

1381. Do you remember any one else?—John Goodwin was there.

1382. Anybody else besides them?—There was a great many; I am sure I could not recollect.

1383. Now, you say you saw Sir Richard Glass go in and come out; how long was he there?—Half an hour, I should think.

1384. After he had come out, did you see any one on the door-step outside?—I saw Mr. Boucher and Mr. Parsons.

1385. Did you see or hear anything between Mr. Boucher and Mr. Parsons while they were standing outside?—I think money passed between them; I heard money.

1386. Just tell us a little more what you mean; did you see them do anything?—I heard the money between Mr. Boucher and Mr. Parsons.

1387. Did you see either of them give money to the other?—No; I think they did, but I do not know.

1388. Mr. Justice *Blackburn*.] What was it that you heard which makes you think so?—Because I heard the chinking of money in their hands.

1389. Mr. *Fitzjames Stephen*.] Were they close together at the time?—Yes, they were.

1390. After you had heard that, what became of them, or either of them?—I saw Mr. Parsons go in.

1391. Where did he go?—Went round the screen to the kitchen.

1392. Who was in the kitchen?—There were a lot of people there.

1393. Who keeps the house?—Mrs. Strange keeps the house.

1394. Was Mrs. Strange in the kitchen?—She was in that apartment.

1395. You say you saw Mr. Parsons go towards the kitchen?—Yes, I did.

1396. And did you follow?—No, I did not follow.

1397. Did you go into the kitchen yourself?—I went in afterwards, about ten minutes after.

1398. When you got into the kitchen what did you see; was there a table there?—Yes.

1399. What was there on the table?—There was writing paper and pen and ink.

1400. How long had you been in the kitchen before that night?—Half an hour, I dare say.

1401. Were there any things for writing on the table when you were there before?—No; I did not see that.

1402. Was there a slate in the kitchen?—Yes, there was a slate in there.

1403. And was there anybody doing anything to it?—No; I did not see him do anything to that.

1404. Did you see anybody do anything to it?—I saw some figures on it.

1405. Did you see anything done to those figures?—No.

1406. Did you see there Sarah Strange, the daughter of Mrs. Strange?—Yes.

1407. Did you see her do anything?—No; I did not see her do anything.

1408. Just think; I mean the last time you know after Mr. Parsons had gone in?—I went in afterward.

1409. Did you see Mr. Parsons in the kitchen?—No, I did not.

1410. Did you see anything done with the slate the last time you went into the kitchen?—No, I did not.

1411. Did you see anything done to the slate anywhere?—No.

1412. Did you see what became of Mr Parsons when he left?—No, I did not.

1413. What time did you leave?—About 10 o'clock.

Cross-examined by Mr. *Giffard*.

1414. I think you said you fetched some beer that first time you went there that evening?—Yes.

1415. How did you fetch it?—In a cup.

1416. Did you see into the parlour, where you say you saw Sir Richard Glass come out of?—I saw some gentlemen in there, but I could not say who they were.

1417. I do not know whether you can tell me this: there was no drinking going on in that parlour, was there?—I did not see anybody drinking there.

1418. There was nothing to drink there, was there?—They keep liquors in there.

1419. You

1419. You mean they usually do?—Yes.
 1420. Whether there was anything going on there then, you do not know?—No.
 1421. Was there a speech made then, do you know?—I do not know.
 1422. Your husband is not a voter, is he?—No.

JOHN MOODY, sworn; Examined by Mr. *Chandos Leigh*.

1425. You are Shepherd to Mr. Charles Sturge of Bewdley?—Yes.
 1426. And you are not a voter?—No.
 1427. One Saturday in October did you go to the “Waggon and Horses”?—Yes.
 1428. Was that October 31st?—Yes.
 1429. What time did you go?—About nine o'clock, I think, I went.
 1430. And till when did you remain?—Till nearly eleven.
 1431. And where were you, in what part of the house?—In the kitchen.
 1432. Whom did you see in the kitchen?—On the outside I see Mr. Gardener coming out of the parlour, and I see Mr. Parsons, and Mr. Boucher, and Mr. Glass.
 1433. Did you see Mr. Bury there?—No.
 1434. Were people doing anything in the kitchen?—They was drinking there.
 1435. You went into the kitchen?—Yes.
 1436. Whom did you see in the kitchen?—I see lots of men out of Bewdley here.
 1437. You did not see Mr. Gardener and Sir Richard Glass in the kitchen?—No, not in the kitchen.
 1438. That was coming out of the parlour?—Coming out of the parlour.
 1439. What was taking place in the kitchen?—We were all drinking and smoking.
 1440. Can you tell us any of the people who were in the kitchen?—They were pretty well all strangers to me.
 1441. Did you know any of them?—Thomas Crewe was there from Catchem's End.
 1442. Do you know a man named Goodwin?—Yes.
 1443. Was he there?—Yes.
 1444. Do you know any of the Parmenters?—No.
 1445. What were they drinking?—Ale.
 1446. Who gave the orders?—I do not know.
 1447. Did you pay for any ale?—I paid for some, and some I had I did not pay for.
 1448. Did you see other people pay for ale?—No, I did not.
 1449. How many were there; about?—About 30 or 40.
 1450. How long were you in the kitchen?—I might be in the kitchen for pretty well an hour.
 1451. During that hour you were in the kitchen, was drinking ale going on all the time?—Yes.
 1452. Who brought the ale in?—A little girl brought the ale in, and the landlady and Mr. Saltar's blacksmiths was there.
 1453. Was there any tobacco there?—Yes.
 1454. You say that the ale was brought in by a little girl?—Yes.
 1455. How was it brought in?—In big jugs.
 1456. Where were the big jugs put?—This man, Mr. Saltar's blacksmith, had a big one under his arm; he had his arm round it, pouring out.

1423. Where does he work?—For Mr. Sturge.
 1424. That is the gentleman who is the petitioner here, Mr. Charles Sturge?—Yes.

[The Witness withdrew.]

E. Moody.
 20 January
 1869.

1457. Who is Mr. Saltar's blacksmith?—His name is William.
 1458. A man of the name of William, Mr. Saltar's blacksmith, had a big jug under his arm?—Yes.
 1459. Was that jug brought in whilst you were in the kitchen?—Yes.
 1460. Was it brought in by William?—I see he coming round with it under his arm, and pouring it out to the customers.
 1461. To whom did he serve it out?—To all in the kitchen.
 1462. Did he serve any out to you?—Yes.
 1463. Did you pay for the ale which William served out to you?—No.
 1464. Did you see anybody pay for the ale served out to them by William?—No.
 1465. Besides this amount of ale served out by William, did you see any other ale served?—I see several men in the house, the landlord and they was busy about it.
 1466. Did the landlady bring in any ale?—She was busy up and down in the cellar afterwards, and she brought the jug and they poured it out. She was drawing the beer and bringing it to the top of the cellar steps, and then they took it off.
 1467. Mr. Justice *Blackburn*.] Who took it off?—William and the landlord.
 1468. Mr. *Chandos Leigh*.] You say that it was taken off by William and the landlord; what did the landlord do with the ale when he took it off?—Took it into the kitchen.
 1469. Then the landlord brought it into the kitchen as well as William?—Yes.
 1470. When the landlord brought it into the kitchen did he serve it out?—Yes.
 1471. Will you tell us, please, what happened then?—Well, I see Mr. Glass when John Goodwin went out into the road, following him out, and asking for his vote.
 1472. Mr. Justice *Blackburn*.] When the landlord brought the beer that he had got from his wife at the top of the cellar steps into the kitchen, what did the landlord do?—They took it of him, and poured it out to the men among the kitchen.
 1473. Who took it from the landlord?—Any of the men in the place.
 1474. Mr. *Chandos Leigh*.] Did you see any of that beer paid for?—No, I did not.
 1475. Was that beer that was brought up, brought up for the common use of the company, or was it ordered?—I heard no beer ordered.
 1476. You were saying something about Goodwin?—Yes; that was after the beer was stopped; and I was going out and going home, and Mr. Glass asked John Goodwin in the road for his vote.
 1477. Mr. Justice *Blackburn*.] How was the beer stopped?—Some one went in and ordered it to be stopped, but I cannot say who it was.
 1478. How was the tap stopped, when the house was closed or before that?—Before that; before 11 o'clock a little.

J. Moody.

J. Moody.

20 January
1869.

1479. Mr. *Chandos Leigh*.] Some one went in and ordered the tap to be stopped?—Yes.

1480. Can you tell us who that was?—No.

1481. After that did you see Goodwin?—Yes, after I was gone on to the road, and Mr. Glass asked John Goodwin for his vote.

1482. Where did Sir Richard Glass come from when he asked John Goodwin for his vote?—Came from the “Rising Sun.”

1483. Where did John Goodwin come out of?—Out of the “Waggon and Horses.”

1484. Did Sir Richard Glass’s carriage come up after that?—Yes.

1485. And did he go away in his carriage?—Yes.

1486. Where was the carriage; opposite where?—Stopped outside, opposite the door.

1487. What door?—At the “Waggon and Horses.”

1488. How near is the “Rising Sun” to the “Waggon and Horses”?—Pretty well 200 yards.

1489. Had you seen Sir Richard Glass in the “Waggon and Horses” before?—No; I had not been to the “Waggon and Horses” during the election; I never went up there.

1490. I am asking you about the “Waggon and Horses”; this was at the “Waggon and Horses”?—Yes.

1491. Mr. Justice *Blackburn*.] As I understand it, you say that Sir Richard Glass came out of the “Rising Sun,” and that his carriage was opposite the door of the “Waggon and Horses”?—Yes; but he came from the “Rising Sun” down to the “Waggon and Horses,” and the carriage met him there.

1492. Mr. *Chandos Leigh*.] Had you seen Sir Richard Glass in the “Waggon and Horses” at all?—Yes.

1493. Now, did you see Parsons and Boucher there?—Yes.

1494. Where did you see them?—I see them standing at the door.

1495. At the door of what?—They were a-passing money from one to the other.

1496. At the door of what did you see them?—At the door of the “Waggon and Horses.”

1497. Did you see anything happen between Parsons and Boucher?—I thought I heard money jingling passing between them.

1498. You say you thought you heard money; what do you mean by hearing money?—Passing money from one to the other; they were searching their pockets and feeling for their money.

1499. After you thought you heard them passing money, where did either of them go?—They went into the kitchen.

1500. Which?—Both of them.

Cross-examined by Mr. *Giffard*.

1501. Where were you when you say that you heard them jingling the money?—Just outside in the front of the house.

1502. Was your wife near you?—Yes.

1503. Were you talking to her?—No, not just at that time.

1504. How far was she from you?—Close to me.

1505. Was that before or after you had heard Sir Richard Glass speak to Goodwin?—It was after.

1506. How far from the house door was it where you heard Sir Richard Glass speak to

Mr. Goodwin?—He was outside the gate, on the turnpike road, then.

1507. How far, is my question?—Perhaps it might be 10 or 12 yards.

1508. Was he on his way from another direction when he met Goodwin?—No; he had just come out on the road.

1509 I ask, was he on his way from another direction when he met Goodwin?—He was just come outside the gate on the turnpike road.

1510. Outside the gate of what?—He called Goodwin aside to speak to him.

1511. Mr. Justice *Blackburn*.] You do not seem to understand the question; where was Sir Richard Glass at the time when he apparently spoke to Goodwin?—Out on the road.

1512. Sir Richard Glass was in the road; we are not asking where Goodwin came from, just now; but where did Sir Richard Glass seem to be coming from and going to at that time?—He came out of the house on to the road.

1513. Mr. *Hardinge Giffard*.] Out of which house?—Out of the “Waggon and Horses.”

1514. Are you quite sure of that?—Yes.

1515. Attend; you said first, that he was coming from the “Rising Sun”?—Out of the “Waggon and Horses.”

1516. Did you say he came from the “Rising Sun”?—He came from the “Rising Sun” and went into the “Waggon and Horses,” and when he came out of the parlour, he spoke to John Goodwin.

1517. He came from the “Rising Sun” to the “Waggon and Horses”?—Yes.

1518. Did you see him come?—Yes.

1519. Where were you when you saw him come from the “Rising Sun”?—Just outside the door.

1520. Of what place?—Of the “Waggon and Horses.”

1521. How could you see him come from the “Rising Sun” if you were just outside the door of the “Waggon and Horses”?—They came down from there.

1522. From where?—The “Rising Sun.”

1523. Were you at the “Rising Sun”?—No, I did not go in there.

1524. How do you know that he came from the “Rising Sun”?—There were some more men who just came down from there; they said he had been up there.

1525. Are you quite sure that when Sir Richard Glass spoke to Goodwin, it was not on his way from the “Rising Sun” to the “Waggon and Horses”?—Yes; it was from the “Waggon and Horses.”

1526. I ask you, when Sir Richard Glass spoke to Goodwin, was not it when he was on his way from the “Rising Sun” to the “Waggon and Horses”?—No; when he came out from the “Waggon and Horses” on to the road.

1527. Are you quite sure of that?—Yes; because his carriage was come up then.

1528. Never mind about his carriage at present, just think now for a moment; you said it, as I am instructed, right at first; think how it was; whether Goodwin did not go out of the “Waggon and Horses,” and whether Sir Richard Glass did not meet him on his way from the “Rising Sun”; was not that it?—No. They had both been in the “Waggon and Horses,” and both came out, and both was going on to the road.

1529. What did you hear Sir Richard Glass say?—I heard him ask John Goodwin for his vote, and

J. Moody.
20 January
1869.

and he said he could not promise it, not until he had seen his master again.

1530. Who was John Goodwin's master?—Mr. Hemming.

1531. Is that the gentleman who was a candidate first himself?—Yes.

1532. Had you seen John Goodwin before?—I cannot say as I had not seen him, but not to speak to him; I had seen him.

1533. Whereabouts had you seen him?—I had seen him in the kitchen.

1534. Do you know had he been in the parlour at all?—I did not see whether he went into the parlour at all.

1535. Did you see whether he came out of the parlour?—No, he did not.

1536. He did not at that time?—No.

1537. Whether he had been in the parlour at the time Sir Richard Glass was there, you do not know?—I cannot say; I did not ever see him either go in or come out.

1538. I think you say that after this jingling of money you have described, you saw Parsons and Boucher both go into the kitchen?—Yes, they both went inside, but I was outside; they both went into the house again.

1539. I thought you said that both went into the kitchen?—I was outside, they were inside.

1540. You have said they went into the kitchen, is that right or not?—I was outside, and could not see whether they went into the kitchen or not.

1541. How came you to say that they went into the kitchen?—I did say that they went into the kitchen.

1542. How came you to say that?—I thought they went into the kitchen.

1543. Is that why you swore they did go in, because you thought they went in; had you any other reason for saying so?—They went the way for the kitchen, whether they went into the kitchen or through the house I cannot say.

1544. Did you see them come out again?—Yes.

1545. Together?—I cannot say both together, they was together directly after.

1546. If you saw them together you can say whether they came out together?—They was in and out so many times; I saw them come in and out so many times.

1547. You saw them go in after you heard this jingling of money?—Yes.

1548. Did you see them come out again after that?—Yes; I saw them come out again two or three times after that.

1549. Did you see them come out together, or not?—I saw them come out once or twice together after that, and they came out separately too.

1550. And go in again, I suppose; they must have gone in again, as you saw them come out again?—They must have gone in again; I did not see them every time.

1551. What were you doing at the door all this time?—There seemed to be a good deal going on outside; I was looking to see what was going on, as well as I could.

1552. How long do you think you were outside the door?—I daresay better than an hour.

1553. Did anybody employ you to do that, or was it for your own amusement?—It was for my own amusement.

1554. No one had employed you to be there?—No. I did not know there was anything of the sort going on, until I went down the road at nine o'clock; somewhere about nine.

1555. What time was it when you left the kitchen, after you say the tap was stopped?—About half-past 10, something like that.

1556. How long did you remain outside the door?—Till 11 o'clock.

1557. That is only half-an-hour; how long had Sir Richard Glass gone when you went away?—Not long; I cannot say exactly, but not long.

1558. About; I do not ask you to a minute, or even 10 minutes?—Perhaps he might have been gone a quarter of an hour.

1559. Then what you call the tap being stopped took place before he went away?—Yes.

1560. Were you in the parlour at all?—No.

[The Witness withdrew.]

CHARLES MILLS, sworn; Examined by Mr. *Sturge*.

1561. You are Mr. Sturge's gamekeeper, are you not?—Yes.

1562. Do you live at the lodge of his house?—Yes.

1563. Do you remember going to the "Wagon and Horses" in October?—Yes.

1564. What day was it in October, do you know?—The 31st.

1565. And what time of day was it?—About eight o'clock when I got there.

1566. In the evening?—Yes.

1567. What room did you go into?—Into the kitchen.

1568. Did you call for anything to drink?—Yes.

1569. What did you have?—A pint of ale.

1570. Did you pay for that?—Yes.

1571. Who did you see there?—I cannot say who I saw in particular, in the room; I did not take much notice of that.

1572. Can you remember any one?—Not very particular, not inside; I did not notice much.

1573. Were there many people there?—Yes; there were a good few people there.

9.

1574. Were they drinking?—Yes.

1575. Was there beer in the room?—There was beer in the room.

1576. What was it in; was it in pints, or what?—It was in a large jug, and poured out into glasses, from what I could see of it.

1577. Who poured it out?—I did not notice.

1578. Did you see who brought it in?—No, not particularly.

1579. Did the company help themselves?—Yes.

1580. Did you see anybody pay anything?—No.

1581. Did you have any of this beer?—Yes, I had a glass or two.

1582. You helped yourself out of the jug, did you?—No; it was given me.

1583. Who gave it you?—There was strange people there; I could not say who it was.

1584. Strange people gave it you; they poured it out of the jug?—Yes.

1585. How long did you stay there?—About two hours.

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1586. What

C. Mills.

C. Mills.

20 January
1869.

1586. What time did you leave?—Ten or eleven.

1587. When you left was the drinking going on still?—I think it was nearly out then.

1588. When you left where did you go to?—Back home.

1589. Did you go straight home, or did you stay outside in the street at all?—I was out in the road at first.

1590. When you were out in the road did you see anybody come to the house?—I saw Sir Richard Glass come up to the house; I saw him in the road; I saw him go into the house.

1591. Did you see what room he went into?—No, I stood in the road; I could not say which room he went into.

1592. Did you see him come out again?—Yes.

1593. How long was he in the house?—I should think it was hardly a quarter of an hour.

1594. Did you see anybody come out with him, or did he come out alone?—There were other gentlemen with him.

1595. Can you say who they were?—No.

1596. Did you know them?—No.

1597. Did they go in with him?—Yes.

1598. Who was it?—There were other gentlemen with him; I do not know who.

1599. When he came out did he go away?—Yes; his carriage was waiting in the road, and he went away.

1600. While standing there, did you afterwards see anybody else come out?—No; no others that I know of.

1601. Do you know Mr. Parsons?—Yes.

1602. Did you see him come out?—I saw him at the door.

1603. Was that after Sir Richard Glass had gone away?—Yes.

1604. Was anybody with him?—Yes; there was another gentleman with him.

1605. Who was he?—Mr. Boucher.

1606. You saw them at the door, you say?—I saw them while they stood at the door.

1607. While they were at the door did you see them do anything?—No.

1608. Did you hear them say anything?—No; I was at a little distance.

1609. How far off were you?—Ten yards.

1610. Were they close together?—They stood in the doorway.

1611. Were they talking together?—Yes.

1612. You did not see anything?—No.

1613. You did not hear them say anything?—No, the distance was too far.

1614. Did you hear any noise?—No.

1615. Did they afterwards go into the house?—No; not that I am aware of. I left them then.

1616. You left them standing outside?—Yes.

Cross-examined by Mr. *Hardinge Giffard*.

1617. How came you to be there?—I do not know, I thought I would go up and have a pint of drink that night.

1618. Are you in the habit of drinking?—No.

1619. Are you a teetotaller?—No.

1620. Mr. Sturge is, I believe?—Yes, I believe he is.

1621. He is rather unpopular with the publicans on that account, is not he?—He never interfered with me in drinking.

1622. How far do you live from this place?—It might be a quarter of a mile; I cannot tell rightly.

1623. I mean from the house you went to; not from the place I am now standing; I mean from the house where you got this beer?—It might be a quarter of a mile; I cannot say for certain; it might be less.

1624. And you went up for beer?—Yes; I went up for a walk too; I was not aware that there was any open house or anything of that kind.

1625. You did not go up because you were aware that there was an open house, but it was accident that brought you there?—Yes.

1626. Then, when you went you intended to pay for what you had?—Yes.

1627. Did you offer to pay?—Yes, I did pay.

1628. For all you had to drink?—Not all.

1629. How much did you pay for?—It might be three pints, something like that.

1630. "It might be," I know; but what was it, do you think?—Ale.

1631. In what quantity do you think it was, because people sometimes forget?—I am certain I paid for two pints.

1632. Will you undertake to say you did not pay for three pints?—No doubt but what I did.

1633. Perhaps you might have paid for more; are you sure you did not; will you swear it?—I will not be quite certain of that; I will not swear it.

1634. How much did you drink altogether?—I cannot tell.

1635. About what, do you think?—I might have had some given me; I cannot tell what the quantity was.

1636. I am asking you about how much you think you drank; never mind whether it was given you or not; do not be very particular, you know, to a pint or two?—I might have had four pints, perhaps, that would be the outside.

1637. You told me just now you would not swear you did not pay for more than three pints; now, have you altered your mind about it; will you swear you did not pay for more than three pints?—I could not say that.

Re-examined by Mr. *Fitzjames Stephen*.

1638. Are you quite sure you had some beer which you did not pay for?—Yes.

1639. Can you give me an idea how much you had that you did not pay for?—Two or three glasses.

1640. Who gave you the two or three glasses that you did not pay for; where did that come from?—The parties that was in the house; I do not know who they were.

1641. Was any offered to you besides what you drank?—Oh, yes.

1642. How many offers did you get?—There was pretty well of them, but I did not want the quantity.

[The Witness withdrew.]

JOHN GOODWIN, sworn; Examined by The Honourable *Chandos Leigh*.

1643. WHERE do you live?—In Sallinton, near Spring Grove.

1644. What are you?—A labourer.

1645. Were you at the “Old Waggon and Horses” on the 31st of October?—Yes.

1646. What made you go to the “Old Waggon and Horses”?—I was invited there.

1647. Who invited you?—The landlady.

1648. Was the landlady in the habit of inviting you to her public-house?—Yes; she did then, however.

1649. Did you go there?—Yes, I did.

1650. When you got there whom did you see; did you see anybody?—There was a great many; the house was full of faces that I never saw before; a good many; there were some that I knew, and some that I did not.

1651. Before you went in, did you stand in front of the “Waggon and Horses”?—Yes.

1652. When you were standing in front of the “Waggon and Horses,” did you see anybody?—Yes.

1653. Tell us whom did you see?—I saw Mr. Glass.

1654. You saw Sir Richard Glass?—Yes.

1655. Who else?—Mr. Bury; lawyer Bury.

1656. Who else?—Mr. Gardener.

1657. Is he lawyer Gardener?—Yes.

1658. Who else?—Two of Mr. Sturge’s men I had been talking to outside.

1659. Were those Moody and Mills?—Yes.

1660. Did you see Parsons there?—Yes, he was there with Mr. Glass; there was seven or eight of them, I think, altogether.

1661. Did he come with Sir Richard Glass?—They came down the road from the “Rising Sun” together.

1662. Mr. Justice *Blackburn*.] You say that these were all with Sir Richard Glass?—Yes, they were.

1663. Mr. *Chandos Leigh*.] At what time was it that you were standing in front of the “Waggon and Horses”?—I think it was between 10 and 11; that would be it.

1664. What time was it you went into the “Waggon and Horses”?—It was about nine o’clock when I went in; it might be a little after that.

1665. When you went first to the “Waggon and Horses,” where did you go to?—I went into the house; into the back kitchen.

1666. What did you see when you got into the back kitchen?—There was plenty of drink and tobacco for them that liked it.

1667. Did you have any drink and tobacco?—I had some beer there, but I had not any baccy.

1668. Did you pay for the beer that you had?—No, I did not pay for any.

1669. Did you see anybody pay for any beer or tobacco that they had?—No, I did not see anybody pay.

1670. Did you hear anybody give orders for any beer or tobacco?—When the company were out of beer and wanted more, it was brought immediately.

1671. Who brought it?—Mr. Strange drew it.

1672. Mr. Strange is the landlord of the “Waggon and Horses”?—Yes.

1673. Who served it out to the company?—It was given to the porters to pour out and help themselves.

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1674. And you say when that was done they called for more?—Yes.

1675. How long did this giving of beer last till?—It was begun before I went, and it was going on after I left. I do not know how long it went on, I am sure.

1676. You left them at it?—Yes, they were there at it when I went away.

1677. When you left the kitchen, where did you go to?—I went out into the road.

1678. Was it then that you saw these gentlemen coming down in a body?—Yes; I had been in the kitchen before, and I was on my way for home, and going out I met Sir Richard Glass and his party.

1679. You say you met Sir Richard Glass and John Bury, and John Parsons?—Yes, and Mr. Gardiner.

1680. And William Jackson?—Yes.

1681. Was anybody else there?—There was another or two that I did not know with them.

1682. Did they come together?—They came together down the road.

1683. Do you know any of the Mr. Pardoes by sight?—I do not know them.

1684. Look at that gentleman (*pointing to a gentleman on the Respondent’s side of the table*); did you see that gentleman there?—I believe that that was one face; I am not sure.

1685. You believe that that was one face, but you will not swear it?—I will not swear it, but I believe it was.

1686. What happened then?—Mr. Jackson asked me if I would have a glass of something to drink, and I said I did not mind having a glass, and I went into the parlour and they paid for a glass of rum and water for me.

1687. Mr. Justice *Blackburn*.] Was Mr. Jackson along with Sir Richard Glass at this time?—Yes.

Mr. *Hardinge Giffard* pointed out that the name of this Witness did not appear among those of the persons alleged to have been either treated or bribed or sought to be treated or bribed.

1688. Mr. Justice *Blackburn* (to the Witness).]—Which way did you vote?—I voted for Mr. Lloyd.

Mr. Justice *Blackburn* stated that the reason why no specific notice had been given was apparently the same in this case as in the former one, namely, that as the Witness voted for the Petitioner his name was not mentioned in the Scrutiny objections.

Mr. *Hardinge Giffard* submitted first that even supposing that it was proved that there was treating at the “Waggon and Horses” this evidence could not go a feather’s weight towards establishing that this treating was by the authority of Sir Richard Glass.

Mr. Justice *Blackburn* ruled that anything done in Sir Richard Glass’s presence, which would tend to show that he was aware that liquor was given gratis, was relevant (the weight to be attached to it being greater or less according to circumstances) as tending to show that he was in the words of the Act “accessory to” treating.

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*John
Goodwin.*
—
20 January
1869

John
Goodwin.
—
20 January
1869.

Mr. *Hardinge Giffard* submitted in the second place that the list furnished by the Petitioner had been taken by the concession of both sides as a complete list of cases of bribery and treating.

Mr. Justice *Blackburn* stated that it was to be regretted that notice had not been given of these cases; and that if any cases came forward in which there was ground to suppose that, by having a delay of a day or two, the Respondent could make preparations to meet them, he would adjourn the case for that purpose; but he thought that such cases could not be excluded.

Mr. *Hardinge Giffard* stated that if any such case arose he would make an application to his Lordship upon the subject.

1689. Mr. *Chandos Leigh*.] You said that Mr. Jackson asked you to have something, what was it?—A glass of something to drink.

1690. Where were you then?—Just outside the gate, in the road.

1691. Where was Sir Richard Glass at that time?—He was along—

1692. Along with Mr. Jackson?—They were going on into the house; he was there at the same time; he was close by. They was all started to go up into the house from the road, and Mr. Jackson says: "Will you have a glass of something to drink?" and I says, "Thank you, I do not mind having a glass."

1693. Did you go with them?—I went with them.

1694. Where did they go to?—Into the parlour.

1695. The parlour of what?—The parlour belonging to the public-house.

1696. Belonging to what public-house?—The "Waggon and Horses."

1697. Who went with you into the parlour at the "Waggon and Horses"?—Mr. Glass, and his party that was with him.

1698. Sir Richard Glass and the party you have mentioned before?—Yes.

1699. Did Mr. Jackson go, too?—Yes, he went with him, and he asked me what I would take to drink; I said, "A glass of rum and water, if you please."

1700. Mr. Justice *Blackburn*.] Was that in the parlour?—It was in the parlour.

1701. Mr. *Chandos Leigh*.] He repeated his offer?—Yes.

1702. Did you have a glass of rum and water?—Yes, and Mr. Jackson paid for it; I saw him pay for it.

1703. After that did they ask you anything?—No, not after that; I drank it and came away.

1704. Had you any conversation with anybody at that time?—No, not then.

1705. Were you ever canvassed for your vote?—They solicited me for my vote then; Mr. Bury did; that was before, when they met me in the road.

1706. Mr. Justice *Blackburn*.] Sir Richard Glass asked you for your vote in the road?—Mr. Bury and Mr. Jackson did. He did not know me. They said, "Here is Mr. Goodwin;" so they asked me if I would vote for Sir Richard Glass; I told them I could not.

1707. When was this that they asked you; was it before you went into the public-house or after?—Before I went into the public-house, before they went in at least.

1708. Mr. *Chandos Leigh*.] Were you asked at any other time for your vote except then?—Not by that party, by Mr. Lloyd.

1709. When were you asked by Mr. Lloyd?—Some time before that; I cannot tell the day of the month; Mr. Lloyd came to my house.

1710. Were you asked more than once that evening for your vote?—No.

1711. You went afterwards to the "Rising Sun," I believe?—Yes, I went up there.

1712. Was there anything going on there?—Very little. They were nearly all gone away when I came there.

1713. What time did you go there?—Between 10 and 11; nearly 11, perhaps.

Cross-examined by Mr. *Hardinge Giffard*.

1714. Who is Mr. Jackson?—A man in the town here.

1715. What vocation does he follow in the town?—He is a plumber and glazier.

1716. Had he been a friend of yours before?—No.

1717. You never spoke to him before?—I had spoken to the man; I know the man when I see him; that is all I know of him.

1718. Had you ever been in a public-house with him before?—No, not to have any conversation with him.

1719. That is not my question; have you ever been in a public-house with him before?—I have been in a public-house where he has been before, but I never had anything to do with him before.

1720. You say you had the rum and water?—Yes.

1721. Where was the rum and water got from?—I do not know; the landlady brought it.

1722. Was it in this parlour?—They generally keep it there.

1723. You seem to know where they keep it on this occasion, was it got in the parlour or brought from elsewhere?—I believe it was fetched out of the parlour.

1724. You were in the parlour, were you not?—Yes, and they generally keep it there in a cupboard.

1725. Was it hot water or cold?—Hot.

1726. Where was the hot water got from?—The fire, I suppose.

1727. Do not suppose; you are on your oath?—It was hot.

1728. Where was it brought from; was there a fire in the parlour?—I do not know.

1729. Was it brought in a jug or a kettle?—In a jug.

1730. Who brought it?—The landlady brought it.

1731. Mrs. Strange?—Yes.

1732. You said Sir Richard Glass was quite close, or some word to that effect; do you mean that he was near enough to hear what Jackson said to you?—Yes; they all stood together.

1733. Never mind about their standing together; do you believe that Sir Richard Glass was near enough to hear what Jackson said?—Yes, I do believe so.

1734. You had refused your vote, I think you say?—Yes, to that party.

1735. You had agreed to vote for Mr. Lloyd?—I had not agreed then.

1736. But you had refused to vote for Sir Richard Glass?—Yes.

1737. And you told Jackson so?—I did not tell

*John
Goodwin.*
20 January
1869.

tell him; I told him I had not promised any one.

1738. Did you not say that you could not do so, or words to that effect?—I told him that I should not promise anyone till I saw Mr. Hemming, my master.

1739. Mr. Hemming had been a candidate himself?—Yes.

1740. On which side in politics had Mr. Hemming been a candidate?—The Liberal side.

1741. Of course, you knew that Sir Richard Glass was on the opposite side in politics?—Yes, I did.

1742. You say that Mr. Jackson was with Sir Richard Glass; did Sir Richard Glass come in his carriage?—His carriage was there, but he was not in his carriage when I saw him.

1743. He had got out of his carriage if he had been in it, when you saw him?—Yes.

1744. How near was the carriage?—Within about a dozen yards or twenty; something like that.

1745. You say you saw Jackson; was he in a crowd of other people?—No; he was with Sir Richard Glass and his party.

1746. You say “with;” that is what I am inquiring into; how many people were there altogether coming into the house?—I cannot tell how many people there was in the house.

1747. Coming into the house?—Six or seven, together with Sir Richard Glass.

1748. There were six or seven?—Yes.

1749. Will you undertake to say there were not more?—I should not think there was; I cannot say particularly to a man; I did not count them.

1750. Why do you say he was with Sir Richard Glass?—Because they all came down the road together.

1751. That is to say, from the 12 yards off, where the carriage was?—It may be rather more than 12; it was not much.

1752. How long before had you been in the road?—I had but just come out of the house.

1753. I know; but how long before that had you been there?—I had been at the “Waggon and Horses” perhaps an hour before.

1754. You had not been in the road from the time you went in till the time you came out again and saw the people you have spoken of?—No.

1755. At the time you went in first Sir Richard Glass’s carriage was not there?—No, it was not there then.

1756. Did you see the carriage drive up?—No, the carriage was stood, and a man on the box, waiting for Sir Richard Glass to come.

1757. Whereabouts was it that you first saw Sir Richard Glass?—Right opposite the gate that leads up into the house.

1758. How far from you?—It may be a dozen yards, perhaps, from the house door.

1759. That is about the same distance as the carriage?—No; the carriage was in a different direction.

1760. Do you mean that the carriage was in a different direction to the way Sir Richard Glass was walking?—The carriage was at the side of the wheelwright’s shop.

1761. Do you mean that the carriage was in a different direction to the way Sir Richard Glass was walking; attend to my question?—Sir Richard Glass was walking along the middle of the road, and the carriage was on one side of the road.

1762. Was he walking in the direction as if he had come from his carriage or not?—Yes; he was coming from his carriage.

1763. How far was he from the carriage when you first saw him?—About seven or eight yards, perhaps.

1764. And how far was the carriage from you?—About the same when I saw him.

1765. Whereabouts was this man Jackson with reference to Sir Richard Glass?—He was along with him.

1766. You have told me that a great many times; I ask you whereabouts?—Right in the front of the “Waggon and Horse’s” door.

1767. Mr. Justice *Blackburn.*] Was he holding Sir Richard Glass’s arm, or walking before him, or behind him, or what?—No.

1768. What was he doing?—Walking by the side of him; they all came down the road together.

1769. Mr. *Hardinge Giffard.*] You did not see them, you know?—I saw them when they came to me.

1770. You keep repeating that they all come down the road together. You first saw Sir Richard Glass when he was about seven yards from his carriage?—Yes, he was.

1771. Where was this man Jackson, with regard to Sir Richard Glass, when you first saw Sir Richard Glass?—Close by him.

1772. Behind him, before him, or one side of him. Now, attend and answer directly?—He was before him.

1773. How far before him?—Not above a yard or two.

1774. That was when you first saw them?—Yes.

1775. How in the world do you know whether they came down the road together or not?—They were coming down; they came down to meet me as I came out of the house. Do you think I could not see whether they came to meet me or not.

Re-examined by Mr. *Fitzjames Stephens.*

1776. When you came out of the house, whom did you see?—I saw Jackson and Sir Richard Glass, and the party that was with him.

1777. Were any of them walking arm-in-arm, or were they all walking separate?—No, they were not; I did not see them walk arm-in-arm.

1778. Did you hear them speak to each other?—No, not in particular.

1779. When you went into the parlour where the liquor was, how large a room was it; how many people were there in the parlour when you went into the parlour?—There was no one but them, that party and me, that went in. The parlour was empty at that time.

1780. Did they stand or sit, or what?—They sat, one in one place and one in another, round the room, and they called, one for a glass of one thing and another another.

1781. Is this parlour a large room or a small room?—Not very large nor very small; a middling-sized room.

1782. Was Sir Richard Glass sitting or standing?—Sitting.

1783. And was Mr. Jackson sitting or standing?—He was sitting.

1784. How near to Sir Richard Glass was Mr. Jackson sitting?—He was on one side of the room and Sir Richard Glass on the other.

John
Goodwin.
—
20 January
1869.

1785. Was there a table between them?—Yes.

1786. Were they nearer or further from one another than Mr Hardinge Giffard and myself?—They were not that near, I think.

1787. How near were they?—The same as if one was here (*pointing to the furthest corner of the table on the left hand*), and the other there (*pointing to half way down the table on the right hand*).

1788. Where were you?—I was at the one end. As soon as I went in I took a place on a chair; here, as it might be (*describing the same*).

1789. Was it a square table like this?—Yes.

1790. Suppose it were this table, where would Sir Richard Glass be sitting?—At that corner (*pointing to the farthest corner on the right hand*).

1791. Where would Jackson be sitting?—At this side here (*pointing to the left-hand side*).

1792. Where were you sitting?—There (*pointing to a position near the last*).

1793. When you saw them out in the road first, who came into the house first, Jackson or Sir Richard Glass?—Mr. Glass went in first; Jackson walked up just before me.

1794. You said as they came along towards the “Waggon and Horses” Jackson was in front of Mr. Glass?—When they came down the road he was in front, and came and spoke to me, because Jackson knew me, Mr. Glass did not.

1795. How near was Sir Richard Glass to you when Jackson was speaking to you?—He was as near as from me to you, for instance.

1796. What did Jackson say when he spoke to you?—He said that this was Mr. Glass, and asked if I would vote for him; and Mr. Bury was talking to me.

1797. Did he stand still to speak to you?—Yes.

1798. Did Sir Richard Glass stand still or did he go on?—He stood still for a short time.

1799. Was Sir Richard Glass standing still at the same time you were talking to Jackson?—Yes, he stood in the road opposite the gate.

1800. Then, after your talk with Jackson was over, was it then that you went into the house?—Yes.

[The Witness withdrew.]

JAMES BISHOP, sworn; Examined by Mr. Fitzjames Stephen.

J. Bishop.

1801. What are you?—A labourer.

1802. Were you at the “Waggon and Horses” on the 31st of October?—Yes.

1803. Did you see Sir Richard Glass there?—Yes.

1804. When you saw Sir Richard Glass, where was he?—In the parlour.

1805. And were there other people in the parlour besides?—Yes.

1806. Did you see him anywhere else besides in the parlour?—No.

1807. Were you in the parlour?—Yes.

1808. Who else was there then?—There were several others there as I did not know.

1809. Did you hear Sir Richard Glass say anything?—No, I did not.

1810. Just think; did you hear him say anything at all?—No, I did not.

1811. Did you have any conversation with your master, Thomas Lowe; did you soon after this “Waggon and Horses” affair tell anything to Mr. Thomas Lowe; that may just remind you; he is a good master, is not he?—Yes.

1812. Did you tell anything to Mr. Thomas Lowe. I do not ask what you said, but anything about what you had heard at this “Waggon and Horses”?—I said —.

1813. Never mind what you said; you did say something to him?—Yes.

1814. You remember what you said to your master?—Yes.

1815. Now, I ask you did you hear Sir Richard Glass say anything that day; you know you have spoken to your master about it. Come tell us did you hear Sir Richard Glass say anything that evening?—No.

1816. Just think, you know?

After a short pause,

Mr. Justice Blackburn intimated that it was of no use pressing the Witness any further upon this point.

1817. Mr. Fitzjames Stephen.] What was going on in the parlour; what was Sir Richard Glass doing there?—He was talking to a gentleman taking to the company.

1818. What did he say to the company?—I could not tell what he said; I could not tell what his conversation was; I was not close enough to hear him.

1819. Was not he speaking loud?—No.

1820. Was any speech made, or anything of that kind?—No.

1821. Who was there in the room?—There was several in the room as I did not know.

1822. Were there any in the room that you did know?—No.

1823. Nobody in the room that you knew, except yourself?—There was Sir Richard Glass there.

1824. What were you doing in the “Waggon and Horses”?—I went there as a treat, because it was open house.

1825. Did you get any liquor there?—I got some beer there.

1826. Did you pay for it?—No.

1827. Did other people get beer there?—Yes.

1828. Did you vote?—No; I have no vote at all.

1829. Was there any speaking done at the “Waggon and Horses”?—I heard no speaking at all.

1830. Were you in the parlour all the time?—No.

1831. How came you to go into the parlour?—I was sent for.

1832. Who sent for you?—A gentleman.

1833. What gentleman?—Mr. Hemmingway.

1834. Was he there?—Yes.

1835. He is a clerk to the town clerk, I think, is not he?—I believe he is.

1836. How near were you to Sir Richard Glass when you were in the parlour; were you as near to him as you are to me now?—Yes.

1837. You were?—Yes, I was.

1838. Was anything said to you that he could hear; was anything said to you in his hearing?—No, not that I am aware of.

1839. What happened to you when you had got there; did you get anything to drink, or what?—I had some liquor.

1840. Mr.

1840. Mr. Justice *Blackburn*.] In the parlour?—In the parlour.

1841. Mr. *Fitzjames Stephen*.] I want to know what you went into the parlour for; what was done when you got there?—I was sent for into the parlour.

1842. What for?—To go of an errand.

1843. Where to?—Up to Mr. — (*the Witness paused*.)

1844. Mr. what; come?—Up to Mr. Ince.

1845. Did you fetch Mr. Ince?—No; he was gone to bed.

1846. He is a voter, is he?—I cannot tell whether he voted or no; I was sent for him.

1847. But he has got a vote, has not he?—Yes, he has got a vote.

1848. Who sent you to Ince?—Mr. Hemmingsway.

1849. Did he tell you to go in the presence of Sir Richard Glass and the other gentlemen there?

—He told me to go and ask Mr. Ince to come down; there was a gentleman wanted to see him.

1850. Who was the gentleman who wanted to see him?—I cannot tell.

1851. Did he say who the gentleman was?—No, he did not.

1852. And Mr. Ince was in bed, was he?—Yes.

1853. At any rate he did not come?—No.

1854. Were you sent to fetch anybody else that night?—No.

1855. Or on any other errands at all?—No.

Mr. *Hardinge Giffard* stated that he did not wish to cross-examine the witness.

J. Bishop.

20 January
1869.

Mrs. HANNAH STRANGE, sworn; Examined by Mr. *Fitzjames Stephen*.

1856. ARE you the landlady of the “Waggon and Horses”?—Yes.

1857. Were there a quantity of people at your house on the 31st of October?—The 31st of October; well, I am sure I cannot tell that night in particular.

1858. Do you recollect Sir Richard Glass being at your house one night at the end of October?—He was at our house one night, but I did not see him.

1859. On that night that Sir Richard Glass was at your house, was there a lot of people drinking there?—It was on the Saturday night; we have a good many of a Saturday night generally.

1860. Were there a good many that night?—I am sure I cannot tell who was there that night in particular.

1861. Were there a good many people there; had you a great lot of people there?—No more than usual of a Saturday night.

1862. Was there a quantity of beer served out to people there?—There generally is of a Saturday night.

1863. Was there more beer than usual served out that Saturday night?—I do not know that there was.

1864. Who takes the money for the beer that is served out there?—I did not receive it from the customers; I had a person there waiting for me that night.

1865. Who was the person waiting for you that night?—My husband's sister, Mrs. Crew.

1866. Did she receive the money?—She received some money.

1867. Was there anybody else waiting besides Mrs. Crew?—Yes, my little girl was waiting.

1868. What is her name?—Sarah; she has been here to-day.

1869. Was there anybody else besides your little girl Sarah and Mrs. Crew waiting at your house that night?—No, there was not.

1870. Did they take all the money that was taken?—Yes, they did.

1871. Was beer and tobacco, or was beer served out there and given to people who did not pay for it that night?—Not as I know of; I might have trusted somebody with a quart of ale. I cannot tell now to be certain of that.

1872. Do you know anything of gallon jugs of ale being taken in and served to anybody that wanted them there—to anybody who liked to take it without being charged?—No.

1873. You say that nothing of that kind happened?—No; not as I am aware of, however; the beer was paid for.

1874. The beer was paid for?—Yes, it was.

1875. By the people who had it?—I suppose so; the money was brought to me.

1876. Who brought it to you?—Mrs. Crew and my little daughter.

1877. What is Mrs. Crew's other name?—Eliza Crew.

1878. What is her husband's name?—Thomas Crew.

1879. Was Thomas Crew there?—Yes.

1880. Was Alfred Crew there?—I cannot tell whether Alfred was there or not.

1881. You say that Mrs. Crew took money; how much money did Mrs. Crew bring you?—I cannot tell; she brought me different sums at different times.

1882. Did you go down into the cellar to draw beer that night?—I daresay I did.

1883. Can you tell me how much beer you drew that night?—No; indeed I could not.

1884. Did anybody besides you draw any beer?—Yes, the master did.

1885. Mr. Strange?—Yes, Mr. Strange.

1886. Did he take any money?—I daresay he did; I am sure I cannot tell that now; if I had known it I would have kept a better account who took the money, but I was paid for the beer, I know.

1887. Did you get any orders from anybody to serve out beer to anybody who came?—No; indeed I did not.

1888. Did you get any orders from any person to serve out beer to any people, except the people who ordered it?—No, I did not.

1889. Not at any time?—No, I did not.

1890. Do you know a Mr. Boucher?—Mr. who?

1891. Mr. Boucher?—The druggist in Bewdley?

1892. Yes?—I have seen him; yes.

1893. Do you know Mr. Parsons?—Yes.

1894. Were they at your house that night?—Yes, they were.

1895. Did you receive any money from either of them?—No, I did not.

1896. Did they come to you in the kitchen?—No, not to me, they did not.

1897. Not to you?—No, they did not.

1898. Did you see them in the kitchen?—No,

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not

Mrs.

H. Strange.

Mrs. not in the kitchen; I saw them in the parlour; I just saw them, but I did not speak to them.
H. Strange. 1899. Did you receive anything from either of them?—No, I did not.
 26 January 1869. 1900. Do you know a man of the name of John Moody?—Yes.

Mr. Justice *Blackburn* stated that Mr. Fitzjames Stephen might treat this witness as if he were cross-examining her.

1901. Mr. *Fitzjames Stephen* (to the Witness).] Do you know John Moody?—Yes.

1902. Did you ever speak to John Moody about there having been a treat at your house?—Not as ever I am aware of.

1903. Will you swear that you did not?—No, I did not.

1904. Did you ever say you had been paid for the treat that same evening to John Moody?—All the beer that was had that night was paid for.

1905. Did you ever say you had been paid for the treat that evening to John Moody?—No; I should think I never did.

1906. Are you sure; will you swear you never did?—No, I never did.

1907. You never did say so?—No, I never did.

Mr. Justice *Blackburn*.] Witness, you are aware that if it should be found afterwards, and can be proved that any of these answers are untrue, you will be liable to be tried for perjury. Now attend to the questions, and answer them.

1908. Mr. *Fitzjames Stephen*.] Do you know John Coles?—The butcher; yes.

1909. Did you see him one evening early in November, the 6th of November?—I cannot tell; I have my meat of him; I see him most weeks.

1910. Did you not, early in November, tell him that Mr. Parsons paid for the drink which was supplied to the party on the previous Saturday?—Mr. Parsons nor no one else did not pay me; my little girl and the other waiter gave me the money. If he paid them, that is another thing.

1911. Did you not tell John Coles that Parsons had paid for the drink?—No; Parsons never paid me a penny, nor ordered the drink.

1912. Did you not tell Coles that he did?—No; I have no recollection of anything of the sort.

1913. Will you venture to swear you did not tell him so?—I have no recollection of anything of the sort.

1914. Will you venture to swear that you did not tell him so?—I do not remember saying anything of the kind to any one.

1915. Will you venture to swear positively that you did not?—I cannot remember that I did; I do not remember saying anything of the kind.

1916. Your memory is getting worse; you may have said such a thing to Coles and have forgotten it, may you not?—Why should I have said so? I did not receive any money of Parsons, nor of any other man.

1917. May you have said such a thing to Coles and forgotten it?—I never received money of Coles, nor any other man.

1918. May you have told Coles that Parsons

had paid you, and forgotten it?—I never remember saying anything of the kind.

1919. You will not go beyond, you do not remember it?—I cannot remember anything of the kind.

1920. May you have said it and forgotten it?—No, I do not say that; I say I cannot remember it.

1921. Do you know Emma Moody, the wife of John Moody?—Yes.

1922. Was Emma Moody there that night?—Yes, she was; she came for her supper there.

1923. Did you invite her to come?—No, I did not; I am sure I did not.

1924. Do you know John Goodwin?—I will tell you about that; we were about having the shoe club supper as we have usually; I invited him to come to the club supper; but we did not happen to have it on that night.

1925. Why did you invite him for that night?—Because it was our regular night to have one.

1926. How came you not to have that regular club supper that night?—I cannot tell; something happened that made it not convenient.

1927. What was it that happened that made it not convenient to have the club supper?—I cannot tell.

1928. You remember about the club supper as your reason for not inviting Goodwin; when did you invite Goodwin?—The last time I saw him before that night.

1929. How long before was it?—I cannot tell how long before.

1930. When did you determine not to have the club supper; when did you put it off?—I cannot tell that; I could not answer that question now, indeed.

1931. Just try a week before?—I cannot answer it.

1932. How often do you have this club supper?—At the finishing of the shoe club; we have a shoe club —

1933. That is at the end of the year?—No; that is every 22 weeks.

1934. When was it that you determined to put it off?—I cannot tell; I cannot answer that question.

1935. Why was it you determined to put it off?—I cannot answer it.

1936. Try and answer it?—I cannot answer it.

1937. Who is the person who manages the club supper?—We have it cooked at home; myself.

1938. Who orders it and pays for it?—The shoemaker and myself between us.

1939. What is the shoemaker's name?—Mr. Southan.

1940. Did he order it this time?—No, it was Mr. Clayton that ordered the finishing of that club; but Mr. Southan has got the club going on now.

1941. When did they determine not to have the supper?—I could not, indeed, answer that question.

1942. How come you to have forgotten all about it; how many people do you generally have at the supper?—It depends upon how many people there are in the club; sometimes 14 or 15, sometimes more.

1943. Then it would be an important thing to you; why did you put it off?—I cannot give any reason.

1944. Did you send word to the people who were to have come, that there was not to be a shoe

shoe club supper?—I forget now how it was; I cannot answer that question.

1945. Did you get the victuals into the house for the shoe supper?—Yes; we mostly have meat in the house.

1946. Did you cook the food?—No, we did not.

1947. Then it must have been a day before, at all events, when you put it off?—I cannot tell whether it was only the day before that, or when.

1948. Were not your rooms wanted for something else?—I cannot answer that question.

1949. Your daughter you say gave you money?—Yes.

1950. Is that Sarah Strange?—Yes.

1951. How much did she give you?—I cannot tell now; she gave me the money that was paid to her in the kitchen; she handed it over to me. I cannot tell how much it was.

1952. She gave you the money that was paid to her in the kitchen; as a general thing of a Saturday night, do you give trust to people?—I have done so, and often do.

1953. When a person gets a pot of beer of a Saturday night, as a general thing he pays the money, I suppose?—But they are not paid every week; sometimes their masters pay them once a fortnight.

1954. Supposing a person calls for beer and has some beer of an evening, when does he pay; he pays when he has it, I suppose?—Yes, if he has got the money, he does.

1955. Then, does your girl bring it to you?—Yes, generally.

1956. She brings it to you as she takes it?—Yes, if I am in the house.

1957. You sit in the bar and take it, I suppose?—No, I am at work.

1958. At any rate she brings it to you?—Yes.

1959. So that if there was a good deal of drinking going on she would be bringing you money all the evening; is that the common thing?—Yes, she brings me money as she receives it.

1960. This evening she paid paid you money, I understand?—Yes, several times; so did her aunt, Mrs. Crew.

1961. What was the total amount she paid?—I cannot tell, I am sure.

1962. She paid you some that she received in the kitchen?—Yes, as she received it she paid it me.

1963. How many times in the evening did she pay you?—I could not tell.

1964. Do you keep a slate in the kitchen?—Yes.

1965. Did you enter any scores that evening?—Yes, we entered some that evening, but they were wiped off as the money was paid.

1966. Do you recollect what money she brought you, whether it was shillings, or coppers, or what?—No, I do not; it was both.

1967. You do not recollect how much?—No, I do not, indeed. I do not recollect.

1968. Do you know a man of the name of William, or Williams, who is Mr. Saltar's blacksmith?—Yes.

1969. Was he at your house that night?—Yes.

1970. Did he wait for you, serving customers?—Yes, that night he did.

1971. Did he take any money?—I cannot tell whether he did or not. I cannot remember that.

1972. Do you recollect whether he went round

with a big jug under his arm?—I cannot tell; I was not looking after him and what he did.

1973. You cannot tell whether he did or not?—No, I cannot.

1974. Did your husband vote in this election?—Yes.

1975. He voted for Sir Richard Glass?—Yes.

1976. Was Mrs. Moody waiting that evening?—No.

1977. Did she not get some tobacco for you?—Yes, she did fetch me some tobacco, I think.

1978. You sent her out to get some tobacco, did you not?—Well, I daresay I did.

1979. Was that tobacco for your customers?—It was for me to sell.

1980. To sell to your customers?—Yes.

1981. That night?—Yes, that night, and other nights; what was left.

1982. Did that tobacco go up to the table in saucers in large quantities?—I sent three pen'orth on the table at a time.

1983. Then, did you let your customers help themselves?—When they pay me for it they can do what they like with it after; eat it if they like.

1984. Did you give the three pen'orth to the men who ordered it, or did you put the three pen'orth on the table all open?—If they asked me for three pen'orth of tobacco, they had it.

1985. If who asked you?—Any of them; it did not matter to me.

1986. Do you not generally sell your tobacco in screws?—Yes, mostly in pen'orths.

1987. This time you say it was in three pen'orths?—I weighed three pen'orth, and sent it in on a plate.

1988. Open?—Yes.

1989. Did you not do that more than once?—Yes.

1990. Did you use up what tobacco you had, and sent out Mrs. Moody to get you more?—Yes.

1991. And it was sent up in three pen'orths on plates open?—Yes.

1992. Who gave you the orders?—I cannot tell you; one of the customers that was in the house.

1993. Did you yourself wait upon the customers?—No, I did not wait upon them.

1994. Then somebody must have brought you the orders?—Yes, they did.

1995. Who brought you the orders?—I cannot tell now who it was.

1996. Did you get the 3d. before you sent up the three pen'orth of tobacco?—I cannot tell now how it was, but I was paid for it.

1997. But you did send up three pen'orths of tobacco on that occasion in saucers?—Yes.

1998. And I think you say generally you send it in screws?—If there is not but one person in the house, and he asks for a pennorth of tobacco, he has it; sometimes if there is three or four, they ask for three pen'orth of tobacco, and they have it.

1999. On this occasion it went up in three pen'orths; do you recollect whether the ale went up in gallon jugs that night?—It went up in pints and quarts, and half-gallons. I daresay there was some went up in gallons; just as they wanted it.

2000. Do you mean to say that you got your money for your beer upon every order that was given?—I cannot say it was every order, or how

Mrs.
H. Strange.
—
20 January
1869.

Mrs.
H. Strange.
20 January
1869.

it was, but I had the money; they brought me the money.

2001. The people in the place?—Not the people, but my waiters; my daughter and my sister-in-law.

2002. Then it was Sarah Strange and Mrs. Crew who brought you the money?—Yes.

2003. You remember Sir Richard Glass coming there?—I did not see him in the house at all; I did not see him.

2004. Do you recollect his being in the parlour?—He was there. I heard them say he was there, but I did not see him.

2005. Was he there at other times besides that?—He called to ask for the master's vote.

2006. That evening?—No, not that evening; some time before.

2007. When he called to ask for the master's vote, who came with him?—I am sure I cannot tell who was with him.

2008. Mr. Boucher?—I saw Mr. Webster with him, I think, once.

2009. Did you see Mr. Boucher with him?—No.

2010. Mr. Parsons?—No, I think not.

2011. Did you see Mr. Parsons with him?—No, I do not think I ever did.

2012. On this evening do you know whether there were any orders given about the parlour, or who was shown into the parlour?—I was not in the parlour at all that night, so I do not know.

2013. You were the mistress of the house; was the parlour kept for anybody in particular?—The parlour was not kept for anybody. I could not tell who they all were that was in there.

2014. Did you know beforehand that Sir Richard Glass was coming there that night?—No, I did not.

2015. You had not been told beforehand?—No, I never was, because he had been to call to ask the master for his vote two or three times.

2016. Were you about the house that night in the different rooms?—Yes, I was at home.

2017. You had been in the kitchen for one thing?—I did not wait upon them; I had my sister-in-law to wait, and my little daughter. I did not wait at all.

2018. You did not go into the parlour at all?—I did not go into the parlour at all.

2019. The whole evening?—No, I was not in the parlour at all the whole evening.

2020. Where did you remain the whole evening?—In the back part of the house where my family and children were.

2021. Did your husband promise his vote the first time that Sir Richard Glass came?—I cannot tell nothing about that; he never told me he should vote. Mr. Hemming came to canvass, and he promised Mr. Hemming his vote, and while Mr. Hemming was——

Mr. *Hardinge Giffard* objected to the evidence.

2022. Mr. *Fitzjames Stephen*.] On a Saturday night do you generally have in people to wait, or do you do your waiting yourself?—My sister-in-law often comes in to assist me while I wash the children, and send them to bed.

2023. Did you wash the children that night?—Always of a Saturday night; I always do.

Cross-examined by Mr. *Hardinge Giffard*.

2024. Is it true that you brought in hot rum and water for Goodwin into the parlour?—Not me; I was not in the parlour at all.

2025. Mr. *Justice Blackburn*.] When you get things put down upon the slate, anything that has been served and not paid for at the time, when it is paid for you rub it out, I suppose?—Yes, I always do.

2026. If it is not paid for on the evening, you keep it in a book I suppose?—Yes, we keep it in a book.

2027. On the 31st day of October last, did you book anything as being served upon trust?—No.

2028. Then all that was served on this 31st of October was paid for, either by the people themselves or by somebody else that same night?—Yes, it was.

[The Witness withdrew.]

Sarah Strange was called.

Her mother stated that she was ill and had been obliged to go home.

[Adjourned to To-morrow, at Ten o'clock.]

Thursday, 21st January 1869.

THOMAS COOPER, sworn; Examined by Mr. Fitzjames Stephen.

2029. WHAT are you?—A labourer.

2030. Are you the brother-in-law of a man called Fox?—Yes.

2031. The landlord of the "Acorn" public-house?—Yes.

2032. Do you recollect being at the "Acorn" public-house the day the town council was chosen?—Yes.

2033. That would be the 1st of November?—Yes.

2034. Mr. Justice Blackburn.] That was on a Sunday. Was it on the Monday or the Saturday, or what day when you were at the "Acorn"?—On the Monday.

2035. Mr. Fitzjames Stephen.] What were you doing at the "Acorn," or going to do; for what purpose were you there?—I went in intentionally to have a pint of beer, but when I got there—

2036. Did you wait there?—Yes.

2037. Do you know Mr. Burnish?—Yes.

2038. Did you see Mr. Burnish there?—Yes.

2039. In what room?—In the parlour.

2040. What did Mr. Burnish say to you, if anything?—He came out, and he asked me where Fox was.

2041. What did you say to that?—That he were in the cellar.

2042. After you had said Fox was in the cellar, what happened next?—He asked me please to show him the way down into the cellar.

2043. What did you do?—I showed him the way into the cellar.

2044. When Mr. Burnish got into the cellar, what was said?—He said they were getting on too fast.

2045. Who said that?—Mr. Burnish.

2046. Mr. Justice Blackburn.] Whom did he say that to?—To Fox.

2047. Mr. Fitzjames Stephen.] Tell us the words he said as well as you recollect?—He said that we were getting on too fast, and that the tap must be stopped for half an hour.

2048. Were there people drinking in the house then?—Yes.

2049. Had you been serving them?—I took up one jug when Mr. Burnish asked me.

2050. When Mr. Burnish asked you; you had not before?—I had emptied one jug, and was coming back with a jug.

2051. When you set out with that jug, were you paid for it, or did you put it upon the table without being paid?—I poured it out.

2052. Were you paid by the people for whom you poured it out?—No.

2053. Then you tell us Mr. Burnish said the tap must be stopped for half an hour?—Yes.

2054. What happened after he had said that?—Half an hour after—

2055. Was there any more beer drawn after that?—No; not for about half an hour.

2056. After half an hour what happened?—He came out of the parlour again.

2057. Mr. Justice Blackburn.] Who; Mr.

Burnish?—Yes; and he gave orders for five gallons more beer to be drawn.

2058. Mr. Fitzjames Stephen.] Did you hear him?—Yes.

2059. Before he gave orders for the five gallons more to be drawn, what were the people doing who were in the house after the beer had been stopped for half an hour; what did they do?—They all sat down waiting for some more.

2060. Did they call for more, or make any remarks?—Yes, they kept asking for some more beer.

2061. Did they ask quietly or loudly?—They did not ask very quiet.

2062. Just tell us what kind of a business it was; did one ask, or many?—They were pretty nearly all of them asking for it.

2063. Did they say, "Please more beer," or did they shout, or what did they do?—They kept on saying, "Now, Tommy, bring us some more beer."

2064. And then you said there was this additional supply of five gallons?—Yes.

2065. Was there anybody else in the parlour besides Mr. Burnish?—Yes; there was a quantity of people in the parlour.

2066. Do you know any of those who were there?—Yes.

2067. Tell me who was there that you knew?—Mr. Smith, of the "Dog-wheel."

2068. Who else?—And Mr. Hughes, of the "Running Horse," and William Jackson.

2069. He was there, William Jackson?—Yes.

2070. Anybody else that you know?—Not that I can just recollect.

2071. Do you know Mr. Gardener; lawyer Gardener?—Yes.

2072. Did you see him that night?—No; I do not recollect seeing him that night.

2073. Was he in the parlour?—I did not see him.

2074. Mr. Boucher, do you know him?—Yes.

2075. Did you see him that night?—No.

2076. Mr. Landon?—No.

2077. Mr. Parsons?—Yes.

2078. You think Mr. Parsons was there?—Yes.

2079. Where was he; in what room was he?—In the parlour.

2080. Do you know Mr. Pardoe?—Yes.

2081. Mr. Herbert Pardoe?—Yes.

2082. Did you see him there that night?—No; I did not see him there that night.

2083. Thomas Pardoe, the barber, do you know him?—Yes.

2084. Did you see him?—No; I did not see him there.

2085. Do you know the Pountney family?—Yes.

2086. Did you see any of the Pountney's?—Not that I can recollect.

2087. Dr. Webster?—No.

2088. Mr. Bury, was he there?—No; not that I see.

T. Cooper.

21 January
1869.

T. Cooper.

Cross-examined by *Mr. Hardinge Giffard.*

21 January
1869.

2089. What were you doing there yourself; were you waiting?—Yes.

2090. You mentioned that you brought up a jug, I think you said first?—Yes.

2091. Where did you get it?—In the cellar.

2092. Did you go and help yourself out of the cellar, to serve the customers without any further orders from anybody else?—Fox gave it me.

2093. Fox gave you the order?—No.

2094. *Mr. Justice Blackburn.*] Fox gave you the beer, not the order?—Yes; Fox gave me the beer.

2095. *Mr. Hardinge Giffard.*] Who had ordered it from you?—No one had ordered it from me.

2096. Had you received any general order or any specific order for this jug?—When I went in I saw they could not carry up the beer fast

enough; and me being brother-in-law, I thought I would help them go; I picked up a jug and went down into the cellar.

2097. And then, I suppose you said to your brother-in-law, that you wanted a jug of beer, or did you simply hold out the jug and have it filled?—He said he was glad I was come, and then I held out my jug, and he filled it for me.

2098. That was all that passed between you?—Yes; he filled the jug and I brought it up.

2099. You said you are a labourer; who are you with?—*Mr. Sturge.*

2100. *Mr. Charles Sturge?*—Yes.

Re-examined by *Mr. Fitzjames Stephen.*

2101. Did you see anybody pay in the room for the beer?—No.

[The Witness withdrew.]

THOMAS ASHCROFT, sworn; Examined by *Mr. Chandos Leigh.*

T. Ashcroft.

2102. WHAT are you?—A labourer.

2103. Where do you live?—At Venus' Bank.

2104. Are you a voter?—Yes.

2105. For whom did you vote at the last election?—For Sir Richard Glass.

2106. Do you know the "Cock and Magpie" inn?—Yes.

2107. Is that kept by Charles Southan?—Yes.

2108. Do you remember being there early in November?—I cannot tell what day of the month it was.

2109. Do you remember that it was in November?—Yes.

2110. Was it before or after the election?—Before.

2111. Where were you; in what room?—I called it the parlour.

2112. What did you see when you were in the parlour?—Well, I saw some drink, and I helped to drink it.

2113. Did you pay for what you helped to drink?—No; I did not pay for it.

2114. Did you see any money paid for the drink that was drank there?—No.

2115. How many people were there?—I could not tell.

2116. Can you say about?—No; I cannot give any notion.

2117. Were there many or few?—There was as many as the place could well hold.

2118. Were there 20 there?—Yes; I am certain there were that many.

2119. Were they all men?—They were all men as were in the room as I was in.

2120. Did you see any women or children there?—I saw some women in the kitchen.

2121. Were they drinking?—Yes.

2122. Can you tell us any of the names of the people whom you saw there?—I see Edward Aston there for one.

2123. Whom else?—George Milward. I see him there.

2124. Anybody else?—Not as I can recollect.

2125. Do you know a man called Thomas Bond?—Yes.

2126. Was he there?—Yes.

2127. Do you know a man called James Payne?—Yes.

2128. Was he there?—Yes.

2129. Were there some jugs of ale put under the table?—Yes.

2130. Do you know Mr. Burnish by sight?—No, I do not know him.

2131. Do you know Mr. Pardoe's clerk?—No, not when I see him. I do not know him.

2132. You do not know him when you see him?—No.

2133. Did anybody come in when the jugs of ale were under the table?—Yes.

2134. Do you know who that was?—No.

2135. Did he go out again after he came in?—Yes.

2136. What happened when this person who came in and went out left the place?—They came and fetched the drink from under the table.

2137. Was anything said at the time?—Not as I recollect.

2138. *Mr. Justice Blackburn.*] I thought you said that the jugs of ale were put on the table?—Under the table.

2139. *Mr. Chandos Leigh.*] Were there any jugs on the table as well?—Yes.

2140. Was anything said or done by the company when the jugs were fetched away from under the table?—I do not recollect anything that was said.

2141. Was the tap stopped?—Yes.

2142. Was that when the jugs were fetched away from under the table?—Yes.

2143. *Mr. Justice Blackburn.*] When was the tap stopped?—When the jugs was fetched from under the table they did not draw any more drink as I see.

2144. *Mr. Chandos Leigh.*] Was that when the person left the room?—Two minutes after.

2145. Are you sure you did not know who that person was?—No, I did not.

2146. Had you ever seen him before?—I might have seen him before for all as I know; I cannot tell.

2147. Should you know him if you saw him now?—No, I do not know as I should.

2148. Can you say where you had seen him before?—No.

2149. *Mr. Justice Blackburn.*] I understood you to say you could not tell whether you had seen him before or not?—I could not tell whether I had seen him before or not.

2150. Was he a working man; was he a man in

in the same condition of life as yourself?—No; he was dressed better out than what I am.

2151. Do you know the "Wheatsheaf"?—Yes.

2152. Is that kept by people of the name of Richards?—I do not know what their names be.

2153. Did you go there in November?—Yes.

2154. Was that after you were at the "Cock and Magpie"?—Yes.

2155. Did you go to a meeting there?—Well, I went up into the room.

2156. Had you a ticket for going up?—Yes.

2157. Who gave you the ticket?—My wife.

2158. Were the tickets collected as you went up to the room?—Yes, on the stairs.

2159. Who were they collected by?—A policeman.

2160. Do you know his name?—James Fisher.

2161. What happened when you went upstairs into the room?—Well, we had something to drink.

2162. Did you pay for it?—No, I did not pay for it.

2163. Were there many people there?—Yes.

2164. Do you remember any of them?—Oh, yes, I can tell some who were there.

2165. Can you tell us one or two who were there?—Mr. Parsons, he was there.

2166. Anybody else?—Mr. Bury, he was there.

2167. Is that lawyer Bury?—Mr. John bury.

2168. Anybody else?—Mr. Betts was there from the bank.

2169. Did Mr. Betts say anything or do anything?—Yes, he was talking about something or another there?—I do not know what.

2170. Did he make a speech?—Yes.

2171. What was his speech about?—I cannot recollect what he said.

2172. Did he speak in anybody's favour; did he speak about the election?—Well, not much about the election.

2173. Did he mention anybody's name, Mr. Lloyd's, or Sir Richard Glass's?—Not as I remember.

2174. Do you remember anything about his speech?—He was talking about the churches and something or another about it, but I did not know what he said exactly.

2175. Just think for a moment; did he mention Sir Richard Glass's name in his speech?—Not as I remember.

2176. Did he mention Mr. Lloyd's name in his speech?—Not as I remember.

2177. For how long did he speak?—Oh, I cannot say for how long he spoke.

2178. Was it a short speech or a long speech?—It was not a very short one.

2179. Did he tell the company who they were to vote for?—No.

2180. Did he say anything about the election?—Not as I remember.

2181. All you remember is about the Church?—Yes; I remember him talking about that.

2182. What did he say about the Church?—Well, he hoped we should support our own country, and something of that sort, he was talking about.

2183. Anything else about the Church?—Not as I am aware of; I cannot say anything more.

2184. At all events, he made a speech and said

he hoped you would support your own country; that is all you can remember of the speech?—Yes.

2185. When he said he hoped you would support your own country, was there any cheering?—Yes.

2186. And was drinking going on at that time?—Yes, there was drink on the table.

2187. Did you see anybody pay for the drink on the table?—No.

2188. Was the drink ordered by the people or was it brought in for common use?—I heard nobody order it.

2189. Did you ever go to the "Star and Garter"?—Yes.

2190. Is that kept by one of the Pountney's, George Pountney?—Yes.

2191. Was that after you were in the "Wheatsheaf"?—Yes.

2192. How soon after?—The next night.

2193. What did you see there?—Well, I had something to drink.

2194. Did you pay for what you had to drink?—No.

2195. Were there other people drinking there besides yourself?—Yes.

2196. Did you see them pay for what they had?—I see nobody pay for none.

2197. Can you tell us some of the people who were there?—Mr. Betts, he was there for one.

2198. Did Mr. Betts favour the company with another speech on that evening?—Yes.

2199. You can tell us, perhaps, what that speech was about?—It was about the same as he said before.

2200. About the Church and country again?—Yes.

2201. Was the election mentioned then by Mr. Betts?—Not as I remember.

2202. It was only about the Church and country then?—Only as I can remember.

2203. Was Sir Richard Glass's name mentioned in Mr. Betts' speech then?—No.

2204. Nor Mr. Lloyd's?—Not as I remember.

2205. Was it the same sort of speech as the night before?—Yes.

2206. Did you cheer at the end of it?—Yes, they did.

2207. Did you drink anybody's health at the end of it?—No, not I; I did not.

2208. There were a great many other people there; did the other people drink a health?—Not as I remember.

2209. Were any healths proposed?—No.

2210. By none of the company?—Not as I am aware of.

2211. Was anybody else there besides Mr. Betts?—Yes.

2212. Who?—Mr. Pardoe.

2213. What Mr. Pardoe?—Mr. Pardoe, the barber.

2214. Anybody else?—William Birch, he was there.

2215. Anybody else?—Not as I can justly think of now.

2216. Was George Farmer there?—Yes.

2217. Anybody else?—John Beaman, he was there.

2218. Have you seen William Jackson there?—Yes.

2219. When did you see William Jackson there?—I see him the same night as I was there.

2220. Was it before Mr. Betts made his speech, or after?—Before.

E 4

2221. Did

T. Ashcroft.

21 January
1869.

T. Ashcroft. 2221. Did Jackson say anything when he was there?—Not as I am aware of.

21 January 1869. 2222. Did he say anything about your having drink?—Yes.

2223. Let us hear what he said, please?—He came up into the room, and he said, "Where is your drink, lads, have you not got any?" and the answer was made, "No." "Where is the waiter?" he says, "bring them some in."

2224. William Jackson, of Wribbenhall, said that?—Yes.

2225. Was any brought after he said that?—Yes.

2226. Was Richard Danby there?—Yes.

2227. And Coldrick, of the "King of Prussia," was he there?—Yes.

2228. Thomas Gillam, was he there?—Of the "Vine?"

2229. Yes, Gillam of the "Vine"?—Yes.

2230. David Smith, was he there?—Yes.

2231. Do you remember the polling day?—Yes.

2232. Did you on that day go to the "Wheat-sheaf"?—Yes.

2233. Was that before or after you had voted?—After.

2234. When you went there, had you anything to eat or drink?—Yes.

2235. Did you pay for it?—No.

2236. Were other people there besides yourself?—Yes.

2237. Did you know any of them?—Yes, I knew one.

2238. Who is that?—George Cecil.

2239. Is he a voter?—I cannot tell.

2240. Did you see them have anything to eat or drink; that is, him and the other people?—Yes.

2241. Did you see them pay for it?—No.

2242. Was it on the table, or what?—It was on the table.

2243. Did you go from there to the "Star and Garter"?—Yes.

2244. Did you go by yourself, or with other people?—There was one other along with me.

2245. Who was it?—I could not mention who it was now.

2246. You could not remember who it was?—No.

2247. Do you know Richard Pountney?—Yes.

2248. Did he go with you to the "Star and Garter"?—Yes.

2249. Is he the person you mean whom you could not mention?—Yes.

2250. Who keeps the "Star and Garter"?—Mr. Pountney.

2251. Is that a brother of Richard's?—No, his grandfather.

2252. Mr. Justice *Blackburn.*] You went with Richard Pountney, I think you say, to the "Star and Garter"; what relation is he to the man who keeps it?—A nephew.

Mr. *Giffard.*] He said first it was his grandfather.

2253. Mr. Justice *Blackburn.*] Which do you mean to say; Richard Pountney cannot be both; his nephew and his grandfather?—Mr. Pountney at the "Star and Garter" is grandfather to Richard.

2254. Then Richard is the grandson of the landlord of the "Star and Garter"?—Yes, grandson I meant.

2255. Mr. *Chandos Leigh.*] Is the Richard Pountney you went with, Richard Pountney of Sandy Bank?—Yes; no, he does not live on Sandy Bank.

2256. Had you anything given you by Mrs. Pountney?—I had a pint of ale.

2257. Did you pay for it?—No, Mrs. Pountney gave it me.

2258. Did you after that, go to the "Malt Shovel"?—Yes.

2259. Is that kept by Osman Pountney?—Yes.

2260. Were any people at the "Malt Shovel" when you went there?—Yes.

2261. Do you remember any of them?—Yes.

2262. Can you tell us some names of those you remember?—William Birch; he was there.

2263. Anybody else?—And Richard Gardener.

2264. Anybody else?—Not as I can just think of.

2265. Do you know a man called Hamer; was he there?—Yes.

2266. What were they doing at the "Malt Shovel"; how many people were at the "Malt Shovel"?—I could not tell.

2267. Were there 20 there?—Not when I went there first; I should not think there was.

2268. How long were you there?—I could not tell rightly.

2269. An hour?—No.

2270. Half an hour?—It might be half an hour.

2271. You say there were not 20 when you first went?—No.

2272. Did people come in afterwards?—Yes.

2273. Did they have anything to drink?—Yes.

2274. What did they have to drink?—Some ale.

2275. Did they pay for the ale?—I could not tell whether they did or not.

2276. Had you any ale?—Yes.

2277. Did you pay?—No.

2278. Did you, or anybody pay?—No.

2279. Was there any tobacco?—Yes.

2280. Did you see anybody pay for the tobacco?—No.

2281. Did you have any tobacco?—Yes.

2282. Did you pay?—No.

2283. How was this ale brought in that you saw the people have?—In a jug or can.

2284. Did you hear any orders given for it?—No.

2285. Was it poured out for the company?—Yes.

2286. Who by?—Richard Gardener poured some of it out.

2287. How much can you say was brought in?—I could not tell.

2288. What was it brought in in?—In a jug, some of it; some of it in a can.

2289. In half-gallon cans?—I cannot tell what they call them.

2290. Did you see any orders given for this by the people?—No.

2291. Was it brought in for the common use?—Yes.

2292. Was the tobacco in saucers or in screws?—I cannot tell.

2293. Do you not know what a screw of tobacco is; was it done up in paper?—No.

2294. How was it then?—Put on the table; I cannot tell whether it was in a saucer or not.

2295. A pen'orth, or three pen'orth, or how much

much at a time?—Oh, it would be above a pen'orth.

2296. What you smoked did you take out of what was put on the table?—Yes.

2297. Did you see others do the same?—Yes.

2298. Was Henry Moul there?—Yes.

2299. Was John Hughes there?—Not as I recollect now.

2300. William Phillips?—Yes.

2301. Thomas Crump?—Yes.

2302. John Smith?—Yes.

2303. Thomas Cleeton?—I do not recollect it.

2304. Richard Danby?—Yes.

Cross-examined by Mr. *Hardinge Giffard*.

2305. Who is Richard Gardener that you spoke of?—Who is he?

2306. That is my question. Is that very difficult to answer; who is Richard Gardener; you appear to know him?—Yes; he lives on Venus's Bank.

2307. What is he by trade?—A labourer.

2308. What sort of a labourer?—He makes besoms.

2309. You said you went to a meeting at the "Wheatsheaf," for which you got a ticket from your wife?—Yes.

2310. Was there anything printed on the ticket?—Yes.

2311. Was the meeting a meeting of some association?—I cannot tell.

2312. Are you a member of any association?—No.

2313. Can you read?—No.

2314. Your wife did not tell you what it was?—No.

2315. Do you know whether there is a Conservative association?—I cannot tell.

2316. You never heard of it?—Not as I am aware of.

2317. Pray is there another man of your name a voter in Bewdley?—No, not as I am aware of.

2318. Is there another man of your name?—Yes.

2319. Thomas Ashcroft is his name too?—Yes.

2320. There is another Thomas Ashcroft, then, is there?—Yes.

2321. You do not know whether he is a member of that association, because you do not know whether there is such an association?—I do not know whether he is a member or not.

2322. More than that, you do not know that there is such a thing as an association in Bewdley; you never heard of it?—Not as I know of, I have never heard of it.

2323. You did not know at all whether you were going to that meeting as a member of an association, and whether the ticket had got to you by mistake?—No, I cannot tell.

2324. Do you know the other Thomas Ashcroft, to speak to?—Yes.

2325. Have you never heard from him that he is a member of an association?—No.

2326. Did you see your namesake at that meeting?—No.

2327. So far as you know, he was not there?—No.

2328. How long do you suppose you were at the meeting altogether?—At the "Sheaf"?

2329. Yes?—I dare say I was there a couple of hours.

9.

2330. Was there only this one speech made? *T. Ashcroft.*
—Mr. Bury was speaking.

2331. Was there only this one speech made? *21 January 1869.*
—Yes, Mr. Bury made one.

2332. Who else made one?—Nobody, as I know of.

2333. Was there speechifying going on all the time you were there?—No.

2334. Did the speeches begin as soon as you got in, or afterwards?—Oh! afterwards.

2335. Did anybody take the chair?—Yes.

2336. Who was it that took the chair?—Mr. Parsons at first.

2337. Who then?—I do not know him.

2338. Some other gentleman got into the chair?—Yes.

2339. Did Mr. Parsons go away then?—No; he did not go away; he got up and sat on another chair.

2340. Was there a person who occupied the chair, and whom the speakers addressed as "Sir"?—I do not recollect it.

2341. Can you tell me what the first speech was about?—No.

2342. You do not remember any part of that?—No.

2343. Come now, tell me this: did they mention the Conservative and Constitutional Association at all?—Not as I remember.

2344. Come now, think. Just think whether there were not speeches about the association, and about defending the English and the Irish Church, and about Mr. Gladstone and Mr. Bright. Come now, think?—Yes; I remember that being said.

2345. Do you remember all that I put to you or only part of it?—Part of it.

2346. What part do you recollect; my learned friend wants to know which part of it made an impression upon you?

Mr. Justice *Blackburn* stated that it was unnecessary to go into further detail, as it was plain what the general object of the speech was.

Re-examined by Mr. *Fitzjames Stephen*.

2347. About this ticket; did your wife tell you who gave you the ticket, or where it had come from?—Yes.

Mr. *Giffard* objected to this evidence.

Mr. Justice *Blackburn* ruled that the evidence now proposed to be given was inadmissible, and suggested that probably either the ticket itself, or a counterpart of it, might be produced.

2348. Mr. *Fitzjames Stephen* (to the Witness).] You were there, you say, two hours, about?—Yes; I am sure I was there two hours.

2349. All the time in the same room?—Yes.

2350. Were there other rooms in the same house to put the people into?—Yes.

Mr. *Giffard* objected to the examination on the ground that it did not arise out of the cross-examination.

Mr. Justice *Blackburn* stated that Mr. *Fitzjames Stephen* might ask the question, and if Mr. *Giffard* wished to cross-examine upon it, he might do so afterwards.

2351. Mr. *Fitzjames Stephen* (to the Witness).] F Were

T. Ashcroft. Were there other rooms in the house at the "Wheatsheaf" besides the room in which you were?—There are sure to be other rooms in the house.

2352. I know that; were there any other rooms in which there were company?—I do not know that.
2353. You could not see?—No.

[The Witness withdrew.]

HENRY HUNT, sworn; Examined by Mr. Sturge.

H. Hunt. 2354. ARE you the son of Thomas Hunt?—Yes.
2355. Where does he live?—At Bark Hill.
2356. Do you know the "Pack Horse Inn"?—Yes.
2357. Who is the landlord?—Mr. Cook.
2358. Do you remember going there in the end of October?—Yes.
2359. Do you remember what day it was?—Yes.
2360. It was late in October, was it?—Yes.
2361. Which room did you go into?—The kitchen.
2362. Were there many people there?—Yes.
2363. How many do you know, about?—Yes; I cannot say the number.
2364. Was it full?—Yes.
2365. Did you see anybody there that you knew?—Yes.
2366. Tell me the names of anybody that you saw?—Mr. Adams.
2367. Who else?—Joseph Tunkas.
2368. Anyone else?—Mr. Thomason.
2369. Did you see anyone else you knew?—No.
2370. What were those people doing?—Drinking beer.
2371. Were there others there that you did not know?—Yes.
2372. A great many?—Yes.
2373. What were they drinking?—Beer.
2374. Was the beer upon the table?—Yes.
2375. What was it in?—In cans.
2376. Large cans?—Yes.
2377. Did you see who was serving it out?—Yes.
2378. Who?—A man; I do not exactly know his name.
2379. Do you know who he was?—Yes; I do not know his name.
2380. He was serving out the beer?—Yes.
2381. Did you see who he got the beer from?—Thomas Smith, of Kidderminster.
2382. And where was Thomas Smith?—In the bar.
2383. Was he drawing the beer?—Yes.
2384. And he gave it to these other men?—Yes.
2385. Was he filling the cans with it?—Yes.
2386. And then it was brought into the kitchen?—Yes.
2387. Did these men help the company, or did they help themselves?—They helped themselves, and he poured out to some of them; he poured out to some of them, and some of them helped themselves.
2388. Did you see anybody pay for it?—No.
2389. Did you have any beer?—Yes.
2390. Did you help yourself?—No.
2391. Who gave it you?—Thomason.
2392. What time was it when you first went in?—About eight o'clock.
2393. How long did you stay?—Till nearly nine.
2394. Can you say how much beer was drunk?—About 100 gallons.
2395. What?—100 quarts.

2396. You say you stayed till about nine?—Yes.
2397. Where did you go then?—Up home.
2398. Did you go through the passage as you went home?—Yes.
2399. Did you see anybody there?—Yes.
2400. Who was that?—Mr. Cook; at the top of the passage.
2401. Is he the landlord?—Yes, Mr. Cook is the landlord.
2402. Was anybody with the landlord?—Mr. Parsons.
2403. Did you hear anything said?—Yes.
2404. What did you hear said?—He told Mr. Cook to stop the tap.
2405. Who did?—Mr. Parsons.
2406. What did Cook say to that?—He could not at present.
2407. Mr. Justice *Blackburn.*] He said what?—That he could not at present.
2408. Mr. *Sturge.*] Did Mr. Parsons then go away?—No, he stood at the top of the passage by Mr. Cook.
2409. Did you see him go into any room after that?—No.
2410. Did you pass by the parlour?—Yes.
2411. Was there anybody in that?—Yes, the parlour was full.
2412. Did you see anybody there that you knew?—Mr. Webster.
2413. Is that the Doctor?—Yes.
2414. Anybody else?—Mr. Pardoe's youngest son.
2415. Do you know his Christian name?—No.
2416. What were they doing in the parlour?—They were not in the parlour.
2417. Where were they?—In the passage.
2418. Did you see anybody that you knew in the parlour?—No.
2419. And they were in the passage?—Yes.
2420. You said that Mr. Parsons spoke to Mr. Cook?—Yes.
2421. Were Dr. Webster and Mr. Pardoe near to Mr. Parsons when he spoke?—They were in the passage; not very near.
2422. How near?—Two or three yards off.
2423. What sort of people were they who were in the parlour; were they the same class of people as you saw in the kitchen?—No; they were cleaned up. I do not know who they were.
2424. What were they doing?—I do not know. They had got beer upon the table.
2425. Did you see beer?—Yes.
2426. Were they smoking?—No; I did not see anybody smoking.
2427. Do you know the "Labour in Vain"?—Yes.
2428. Who is the landlord of that?—Mr. Dillon.
2429. Do you remember going there?—Yes.
2430. What day did you go there; do you know?—I do not know.
2431. Was it after you had been to the "Pack Horse"?—Yes.
2432. How long afterwards, do you know?—Two or three nights after.
2433. What

H. Hunt.

21 January
1869.

Cross-examined by *Mr. Giffard.*

2433. What time did you go there?—I do not exactly know the time.

2434. Was it in the evening or the morning?—In the evening.

2435. What room did you go in?—Into the kitchen.

2436. Were there many people in the kitchen?—Yes.

2437. Was it full?—Yes.

2438. Did you see anybody there that you knew?—Yes.

2439. Who did you see?—Mr. Trow.

2440. Who else?—Abraham Smith.

2441. Anybody else?—Mr. Hurst.

2442. Anybody else?—No, not as I can remember.

2443. Edwin Darkes, did you see him?—Yes.

2444. Thomason, was he there?—Yes.

2445. William Baker?—Yes.

2446. Was Peter Mumford there?—Yes.

2447. Do you know Proverts?—Yes.

2448. Was he there?—I cannot remember him.

2449. What were they doing?—They were drinking beer.

2450. Did you see who brought them the beer?—No, not exactly. There was his daughters running about there.

2451. What daughters; whose daughters?—Mr. Dillon's daughters.

2452. How was the beer brought?—In cans.

2453. Did the daughters bring it?—Yes.

2454. Did the landlord bring any that you saw?—I did not notice him.

2455. Were the cans put on the table?—Yes.

2456. And did the company help themselves?—Yes.

2457. Did you see anybody pay for it?—No.

2458. Did you have any yourself?—No.

2459. Was there any tobacco; were they smoking?—Not that I know of.

2460. How long did you stay there?—About half-an-hour.

2461. After you had been there, did you go to the "Cock and Magpie"?—Yes.

2462. That was the same evening, was it not?—Yes.

2463. Who is the landlord of that?—Mr. Southan.

2464. Did you go into the kitchen?—No, into a room on the left-hand side, as soon as we went in.

2465. Were there many people in the room?—Yes, it was full.

2466. What were they doing?—Drinking beer.

2467. Did you see anybody there that you knew?—Yes.

2468. Can you tell us the names of anybody?—James Aston.

2469. Anybody else?—Mr. Bond and Mr. Aston.

2470. Another Mr. Aston?—Yes.

2471. Do you know his Christian name?—Edward.

2472. And anybody else, do you remember?—Yes, there was several others; I cannot remember them.

2473. George Barnet, did you see him?—No, not that I remember.

2474. Did you see any money paid?—No.

2475. How old are you, my boy?—Sixteen.

2476. Did anyone send you to these different public-houses?—No.

2477. How came you to go?—I went out of my own head.

2478. Your father is a voter, is not he?—Yes.

2479. And he was voting for Mr. Lloyd, I suppose, was not he?—Yes.

2480. You knew that?—Yes.

2481. You and your father, I suppose, had a talk about these public-houses, had you not?—No.

2482. Did he know that you were going to them?—No.

2483. Or your mother?—No.

2484. Nobody knew you were going there?—No.

2485. And you kept it all to yourself, did you?—Yes.

2486. You never told anybody you had been there?—Yes; oh, yes, afterwards.

2487. When?—A day or two after.

2488. After what?—After I had been.

2489. Whom did you tell?—A young man.

2490. What is his name?—I do not know his name.

2491. Where does he live?—I do not know.

2492. When did you see him last?—This morning.

2493. Where?—Coming up the stairs.

2494. Is he the only person you told?—No; I have told more.

2495. Whom else did you tell?—I cannot remember anyone else; but I might have told many more.

2496. You cannot remember any other particular person you told?—No.

2497. Did you go to Mr. Morgan at any time?—No.

2498. Did Mr. Morgan come to you?—No.

2499. Or Mr. Morgan's clerk?—Not that I know of.

2500. You would know, I suppose, if a lawyer's clerk came to you. Do you not remember going to any lawyer?—Yes.

2501. My question was wrong in asking about Mr. Morgan. Who was the lawyer you went to?—I do not know his name.

2502. Where does he live?—I cannot tell that.

2503. Did you go to him, or he come to you?—I went to him.

2504. Can you tell me where you went to him?—At Mr. Hardwicke's.

2505. Where is that?—On the Cundells.

2506. What is Mr. Hardwicke; is he a lawyer?—No.

2507. What is he?—Bailiff to Mr. Sturge.

2508. That is Mr. Charles Sturge?—Yes.

2509. When did you go to Mr. Hardwicke's?—There was a young man there.

2510. When, I ask?—I cannot tell when.

2511. About when?—One morning.

2512. That might be; but about when?—About three weeks or a month ago.

2513. Did Mr. Hardwicke take down what you had got to say in writing?—No.

2514. Did you go to anyone afterwards who took down what you had to say in writing?—Yes.

2515. Who was that?—A young man.

F 2

2516. What

- H. Hunt.* 2516. What was his name?—I do not know his name.
 21 January 1869. 2517. Where was that?—I waited there a bit, and then he came.
 2518. Where?—Up at Mr. Hardwicke's.
 2519. That was the second visit to Mr. Hardwicke's?—No.
 2520. Do you mean that that was at the same time?—Yes.
 2521. You first told Mr. Hardwicke, then you waited a bit, and then some one came and took it down?—Yes.
 2522. Was that the young gentleman you mentioned?—Yes.
 2523. Is that the young man you spoke of, that you saw coming up the steps this morning (*pointing to Mr. Glaisyer*)?—Yes.
 2524. You did not know that he was Mr. Morgan's clerk, when I asked you just now?—No.
 2525. Did the young man or Mr. Hardwicke talk to you about the quantity of beer you saw drunk?—Not that I remember.
 2526. You talked about 100 gallons just now, by mistake; you meant 100 quarts?—Yes.
 2527. Is that the first time you mentioned 100 gallons when you mentioned it by mistake?—Yes.
 2528. Did you say 100 quarts before?—I am not sure.
 2529. Tell me how you came to go to Mr. Hardwicke's?—I was told to go.
 2530. By whom?—Mrs. Knowles.
 2531. Who is Mrs. Knowles?—She lives on Bark Hill.
 2532. Has Mrs. Knowles got a husband?—Yes.
 2533. What is his name?—Henry Knowles.
 2534. What is he?—He deals in wood.
 2535. Can you tell me how Mrs. Knowles came to tell you to go to Mr. Hardwicke's?—No.
 2536. You do not know at all?—No.
 2537. Had you mentioned at that time to anybody what you had seen at these public-houses?—I had told Mrs. Knowles.
 2538. When?—One night.
 2539. Was Mr. Knowles also a friend of Mr. Lloyd's; did he vote for Mr. Lloyd?—Yes.

[The Witness withdrew.]

THOMAS LEWIS, sworn; Examined by Mr. *Fitzjames Stephen*.

- T. Lewis.* 2540. WHAT are you?—A Shoemaker; a Boot-maker.
 2541. Do you know the "Saracen's Head"?—Yes.
 2542. Is that kept by Cartwright?—Yes.
 2543. Do you recollect going to the "Saracen's Head" one night last October?—Yes.
 2544. Can you tell me the day of the month it was?—No; I cannot.
 2545. How long was it before the election?—I cannot exactly tell you.
 2546. About; was it a fortnight, or three weeks, or what?—About a fortnight or three weeks, I should think.
 2547. When you got into the "Saracen's Head," whom did you find there?—Mr. Walter Payne, and Pardoe the barber, and Joseph Tunkas.
 2548. Anybody else that you remember?—No; I cannot recollect anybody else.
 2549. Gillam; do you remember him?—No; I cannot.
 2550. Parmenter?—Yes.
 2551. What Parmenter?—John Parmenter.
 2552. Gittins; do you recollect him?—Abraham Gittins?
 2553. Was he there?—Yes.
 2554. I think you said Thomas Pardoe?—Yes.
 2555. Were there other persons besides, whom you did not know or do not remember?—Yes.
 2556. Was the place full, or empty, or how?—Full.
 2557. What were the people doing?—Drinking beer.
 2558. Could you see where the beer came from, and who brought it?—His son.
 2559. Whose son?—Cartwright's son.
 2560. Where did he bring it from?—Out of the cellar.
 2561. What did he bring it in?—In a gallon jug.
 2562. What did he do with the gallon jug?—He placed it on the table.
 2563. What happened to it then?—The company poured it out as they wanted it.
 2564. Was there any tobacco?—Yes.
 2565. How was the tobacco served?—It was brought in a saucer and placed on the table, and then you took it as you wanted it.
 2566. Do you recollect a glass being broken in the course of the evening?—Yes.
 2567. What was said when the glass was broken?—It was to be put down to Mr. Glass.
 2568. Who made that remark?—John Parmenter.
 Mr. Justice *Blackburn* observed that if this was to be relied upon, it must be gone into in greater detail.
 Mr. *Fitzjames Stephen* stated that he only intended to rely upon it as showing what was in the minds of the company.
 2569. Mr. *Fitzjames Stephen* (to the *Witness*).] Did anybody pay anything?—Not as I saw.
 2570. How long did this drinking and smoking go on?—Until about 11 o'clock.
 2571. Did you also go, about the same time, to the "King of Prussia"?—Yes.
 2572. Was it the same night or soon after?—Soon after.
 2573. I think that is kept by Coldrick?—Yes.
 2574. Whom did you see there that you knew?—James Davis, Mr. Proverts, Samuel Danby, and James Carter.
 2575. And were there other people besides?—Yes.
 2576. Were there many people or few; was the house full or empty?—Full.
 2577. What were the company doing?—Drinking beer and smoking.
 2578. How was the beer served?—It was brought in a can, and you then poured out into a pint pot for yourself.
 2579. Did people help themselves?—Yes.
 2580. And was there tobacco?—Yes.
 2581. How was the tobacco served?—I cannot exactly tell what it was brought in; it was brought in and put on the table, and you served yourself with it.
 2582. I forgot

2582. I forgot to ask you did you pay at the other place?—No; we did not.

2583. Did you pay at this “King of Prussia”?—No.

2584. Did you see any of the other people pay?—No.

2585. How long did the beer and the tobacco go on?—As nigh as I can recollect, till between 10 and 11.

2586. Now about the “Hop Pole;” did you go to the “Hop Pole” in Lode-street?—Yes.

2587. About when was it that you went into the “Hop Pole”?—I cannot exactly tell you, but it was before the election.

2588. Was it before or after you had been at the “King of Prussia”?—Afterwards.

2589. Within a few days?—Yes.

2590. What did you find at the “Hop Pole”?—Beer and tobacco.

2591. I mean what company did you find; were there many people or few?—Many.

2592. Was the house full?—Yes; the kitchen was full.

2593. Was there anybody there that you knew, whose name you could give?—John Pember.

2594. Well?—That was all that I knew of in the kitchen.

2595. Do you know a man named Brown?—No.

2596. Thomas Pember; do you know him?—No; this was John Pember that I knew.

2597. What were all those people doing?—Drinking beer and smoking.

2598. How was the beer served?—It was brought in a gallon jug, and it was placed on the table, and then you poured it out into half-pint cups.

2599. Did you pay?—No.

2600. Did you see the others pay?—No.

2601. How was the tobacco served?—It was brought in on a tin plate, I think, and then you helped yourself.

2602. Was that plate full that you saw?—No.

2603. Do you know Christopher Pountney?—Yes.

2604. Did you see him that night there?—Yes.

2605. What did you see him do?—He went and ordered some beer and some tobacco.

2606. Was that drunk by the company or by himself?—He ordered it. There was one named John Parmenter, and he said, “We have got no beer;” and he said, “I will go and see that you have some beer.”

2607. Mr. Justice *Blackburn*.] Tell me this again. You saw Mr. Christopher Pountney there. Where was he?—Up in the room.

2608. Mr. *Fitzjames Stephen*.] What did you see him do?—He said he would go and order some beer and some tobacco.

2609. Mr. Justice *Blackburn*.] You said somebody went to him first and said something?—John Parmenter.

2610. Mr. *Fitzjames Stephen*.] What did John Parmenter do?—He said, “We have got no beer;” and he said, “I will see as you have some beer and some tobacco,” so he went downstairs and he sent some beer and some tobacco up.

2611. Pountney did?—Yes.

2612. And was that beer and tobacco drunk in the same way as the rest?—Yes.

2613. Do you know whether Mr. Lloyd had a meeting that night?—Yes.

2614. Was anything said about Mr. Lloyd’s meeting?—Yes.

2615. By whom?—Christopher Pountney says, “Do you not go down to Mr. Lloyd’s meeting, because it will do Mr. Glass an injury.”

2616. Was that before he went down, as you say, about the beer and tobacco?—Yes.

2617. And after he had gone how did the tobacco that came come?—It was brought up and put on the table and we used it; we took it as we wanted it.

2618. How was it; was it loose, or made up, or how?—It was made up in penny packets that was.

2619. Where was Mr. Lloyd’s meeting, do you know?—At the Town Hall.

2620. Here?—Yes.

2621. Now, how long did this go on at the “Hop Pole”?—Till a quarter past eleven, I think.

2622. Did you go on that evening to the “Wheatsheaf”?—Yes.

2623. Which evening was that?—I cannot exactly tell.

2624. Was that after the “Hop Pole”?—I cannot remember whether it was after or before.

2625. Was it within a few days either way?—Yes.

2626. When you got there, where did you go?—Into a room.

2627. Which room?—A room on the left-hand side.

2628. What did you see there?—Some beer and tobacco.

2629. What company did you see; was the room full?—Yes.

2630. Did you know any of the people who were there?—Mr. Garbet and Mr. Pardoe from the Bridge, and Thomas Gillam.

2631. Mr. Justice *Blackburn*.] Which Mr. Pardoe do you mean; is that Mr. Pardoe, the barber?—Mr. Pardoe, the barber.

2632. Mr. *Fitzjames Stephen*.] Did anybody make a speech?—Yes.

2633. Who?—Thomas Gillam.

2634. Do you recollect what he said?—No, I cannot recollect it now.

2635. Do you remember what it was about; do you remember anything he said?—Yes.

2636. Tell us anything he said?—He says, “Mr. Glass has got four thousand to spend about you people in Bewdley.”

2637. Was there more besides that; did he make a speech?—Yes; but I cannot exactly tell what it was now.

2638. No; but was it about the election?—Yes, about the election.

2639. I do not think you have told me yet how was the beer and tobacco served here?—It was brought in a jug and placed on a table, and then you poured it out into a half-pint cup.

2640. Did the company help themselves?—Yes.

2641. And was there tobacco?—Yes.

2642. How was that managed?—You took it as you wanted it.

2643. Did you pay?—No.

2644. Did you see anybody else pay?—No.

2645. You say you went into a room on the left-hand side?—Yes.

2646. Did you besides that go into another room?—Yes.

F 3

2647. What

T. Lewis.

21 January
1869.

T. Lewis.

21 January
1869.

2647. What room was that?—A room where there were some women in.

2648. What room was it where the women were?—On the left-hand side.

2649. The same side as the one you went in?—Yes.

2650. Were there many women or few?—Many.

2651. What were they doing?—Drinking beer.

2652. How was the beer served for the women?—I cannot tell.

2653. But you could see whether there were jugs?—They had pint cups.

2654. Did you see any of them pay?—No.

2655. Do you know Miss Havergill, a lady?—Yes.

2656. And Miss Clay?—Yes.

2657. Did you see them come there?—Yes.

2658. Did they come in together?—Yes.

2659. Did you see them speak to the women who were there?—Yes.

2660. When those ladies spoke to the women, what did the women do?—I cannot tell.

2661. Think. Did you see where any of them went, or what they did?—No; I do not know what they did.

2662. Did they stay where they were, or did they get out of the way, or what?—I think some of them got out of the way.

2663. Where did they get out of the way?—Up in the corners.

2664. Did they get anywhere else except up in the corners?—I cannot recollect it.

2665. Just remember?—I cannot recollect it.

2666. Were there any tables in the room?—Yes.

2667. Now then, cannot you recollect anything now. Come, did you see anybody under the tables?—Yes, I think I did see some.

2668. Were the people you saw under the tables men or women?—Women.

2669. Now, give us the names of some of the people who were at the "Wheatsheaf" at this time?—I do not remember them.

2670. I am not asking about the women. I am asking about the men at the "Wheatsheaf"?—Mr. Christopher Pountney.

2671. Did you see Mr. Parsons?—I cannot recollect whether I did or not.

2672. Think, recollect?—As I went into the passage I saw Christopher Pountney and Mr. Parsons, and I think it was Peter Mumford.

2673. You did see Mr. Parsons in the passage?—Yes.

Cross-examined by Mr. *Giffard*.

2674. Do you know Mrs. Knowles?—Yes.

2675. Have you been talking to her about this matter?—What do you say, sir?

2676. Did you not hear my question?—No.

2677. Do you mean to swear you did not hear what I asked you?—Yes; I did not hear what you said.

2678. I will repeat it. Have you been talking to Mrs. Knowles about this matter?—Yes.

2679. Did she tell you where to go to give your evidence?—No, she did not.

2680. Who did?—I went of my own accord.

2681. Where did you go?—To Mr. Hardwicke's.

2682. Mr. Sturge's bailiff?—Yes.

2683. How came you to go there?—I went up with my own accord.

2684. But how came you to go to Mr. Sturge's bailiff; he is not a lawyer, is he?—No.

2685. How came you to go to him?—Because I went up there and told him what I saw.

2686. How came you to go to Mr. Sturge's bailiff to tell him what you had seen?—There was a young chap, named Henry Hunt, asked me to go up with him.

2687. Your father is a voter, is not he?—Yes.

2688. He was a friend to Mr. Lloyd, and was going to vote for Mr. Lloyd before the election, was not he?—Yes.

2689. And he did do so?—Yes.

2690. Where are you employed yourself?—At Mr. John Thomas Wildsmith's, the shoe-maker's.

2691. He was a friend of Mr. Lloyd's, too, was not he?—Yes.

2692. And voted for him?—Yes.

[The Witness withdrew.]

HENRY MOUL, sworn; Examined by Mr. *Fitzjames Stephen*.

H. Moul.

2693. IN November last, were you employed as a waiter at the "Blue Ball" inn?—No.

2694. Were you employed at any time as a waiter at the "Blue Ball" inn?—No.

2695. Did you wait at the "Blue Ball" inn?—No.

2696. Where do you live?—In High-street.

2697. Do you know Sarah Cooke?—Yes.

2698. Is she the landlady of the "Blue Ball"?—Yes.

2699. Were you at the "Blue Ball" one night in November?—Yes.

2700. On the 6th of November?—I do not know what night it was; it was the night they had what they call the free-and-easy; that is the night it was.

2701. Tell us about the free-and-easy; first of all, how many people were there there, about?—I could not exactly say; I should think probably 60 or 70 of them.

2702. What were they doing?—Oh, drinking.

2703. What were they drinking?—Ale.

2704. How did the ale come up?—The daughter brought it up, and the granddaughter.

2705. What did they bring it up in?—In cans.

2706. Who served the company; did the company help themselves?—Yes; they poured it out themselves; everybody who wanted it took it themselves.

2707. Did the people who poured it out pay for it?—I never saw anyone pay at all; I never saw any money pass.

2708. How about the tobacco?—Yes, there was tobacco as well.

2709. How was that served out?—It was brought up and put on the table.

2710. And did the company help themselves to that?—Yes.

2711. How long did it go on?—I cannot say how long it went on; I was there from an hour and a half to two hours myself.

2712. Did you pay?—No.

2713. Can you give us the names of any of the

the people who were there?—I could of some, I dare say.

2714. Very well; then tell us some that you recollect?—There was John Oaks there and James Oaks, and there was the saddler Plevy.

2715. Do you know Mr. Parsons?—Yes.

2716. Was he there?—Yes.

2717. And Thomason?—Yes.

2718. Was he there?—Yes.

2719. Thomas Housman, was he there?—Yes.

2720. Besides the room where the people were drinking, was there any other room where people were in the house?—In the kitchen.

2721. Were they drinking in the kitchen?—Yes.

2722. Was there any room in the house where people were who were not drinking, but who were strangers to the house?—No, I did not see any strangers, at least they were all strangers. I saw no one drinking except in the kitchen and upstairs; that is where I was.

2723. Was there any room with gentlemen in it?—No; I never saw any. I was only upstairs and down in the kitchen.

2724. Were you a voter?—Yes.

2725. Who did you vote for?—Mr. Glass.

[The Witness withdrew.

Miss ELIZABETH CLAY, sworn; Examined by Mr. Fitzjames Stephen.

2726. DID you, in company with Miss Haver-gill, go to the “Wheatsheaf” inn on one evening in November?—Yes, I did.

2727. Was that the 10th of November?—Yes, on the 10th of November, a Tuesday evening.

2728. Did you see a considerable number of persons drinking there?—I saw a good many women.

2729. I believe you reproved them for drinking?—We tried to induce some of them to come away.

2730. Did you take a list of the names of some of them there;—Yes, of a few; of some that we recognised.

2731. Would you favour me with their names, if you please; you have the list, I suppose?—I have no names here, but I can mention some from memory.

2732. Have you preserved the list?—Yes; I have a list.

2733. You took it, I think, for charitable purposes of your own; that I will not further inquire into?—Yes; we took it because we thought it was desirable to ascertain who they were, that we might remonstrate with them afterwards.

2734. I think you have the list?—Yes, but not here. I can tell you the names from memory.

2735. Do you think your memory would serve you as well as the list?—I think so.

2736. Then, perhaps, you will be kind enough to give me the names?—Hannah Bond.

2737. Is she the widow of Thomas Bond?—I do not know what her husband's name is.

2738. Is she a married woman?—Yes.

2739. Does she live in Welsh Gate?—Yes.

2740. Who else?—Emma Pountney, of Sandy Bank.

2741. Is she a married woman?—Yes.

2742. Who else?—A woman named Allchurch, I do not know her christian name.

2743. Is she married?—Yes, not long ago.

2744. Can you tell me in which street she lives?—Yes, in the Holloway.

2745. Who else?—Widow Gittins.

2746. Never mind her?—A young woman of the name of Landor.

2747. Is she a married woman?—Yes, she is.

2748. Is she the wife of James Landor?—I do not know her husband's name.

2749. Does she live at Sandy Bank?—Yes.

2750. Can you give me some more, if you please?—Eliza Ashcroft.

2751. Where does she live?—In the Holloway.

2752. Is she the wife of Thomas Ashcroft?—I do not know the man's name.

2753. She is a married woman?—Yes, she is.

2754. Do you know where she lives?—In the Holloway, as I said. Elizabeth Genner.

2755. Do you happen to know a place called Venus' Bank?—Yes, she lives there.

2756. You mentioned another name, what was it?—Elizabeth Genner.

2757. Is she the wife of William Genner?—I do not think that is her husband's name, I do not know the man's name.

2758. She is a married woman?—Yes, she is.

2759. Do you know where she lives?—She lives close by Eliza Ashcroft, at Venus' Bank.

2760. Another?—Moul, on Sandy Bank.

2761. Is she married?—Yes.

2762. The next?—I do not remember any more now.

2763. I think you told me you took down a list?—Yes, I did.

2764. Mr. Giffard.] You took down all the names, I suppose?—We took down the names of those we recognised.

2765. Mr. Fitzjames Stephen.] If you will send down the list we need not trouble you to come again: after this transaction, did you, in consequence of what you had seen, make any complaint to any person?

Mr. Giffard objected to the question.

Mr. Justice Blackburn intimated that the question might be put.

2766. Mr. Fitzjames Stephen.] Did you make any representation to Mr. Herbert Pardoe, the son of Mr. Acton Pardoe, upon the subject?—I really do not know him by sight.

2767. That is Mr. Herbert Pardoe who is close to you?—I do not recollect speaking to him.

2768. Did you go to Mr. Pardoe's office, and see anyone?—No, I did not go to his office.

2769. Mr. Justice Blackburn.] Will you let us have the list, if you please, as soon as you can?—Certainly.

2770. Mr. Fitzjames Stephen.] I am instructed to ask you this question; did you find any difficulty in getting into the “Wheatsheaf;” were you asked for a ticket?—No, we were not.

2771. Did you walk straight in?—Yes, we walked in, into the room.

H. Moul.

21 January
1869.

Miss
E. Clay.

Miss MARIA VERNON GRAHAM HAVERGILL, sworn.

Miss *M. V. G. Havergill.*

21 January
1869.

Witness.] I wish to state that I have not been paid my travelling expenses for appearing here.

Mr. Justice *Blackburn.*] I am afraid I cannot prevent that; your expenses as a witness will be taxed, and allowed you afterwards.

Witness.] I am much obliged to your Lordship; I was told to state that.

Examined by Mr. *Fitzjames Stephen.*

2772. I believe you are a sister-in-law of Mr. Giles Shaw?—I am.

2773. And you were at this time, in November and October last, living in his house?—No.

2774. Staying there?—I was resident in lodgings; my house is with my father, the Reverend Canon Havergill, of Leamington.

2775. You were at that time, at all events, lodging in Bewdley?—I was.

2776. You heard Miss Clay give her evidence, did you not?—Part of it.

2777. Did you accompany her to the "Wheatsheaf" on this night?—I did.

2778. And there you found women drinking, and you remonstrated with them?—I did.

2779. After that had taken place, did you in consequence of that go to Mr. Pardoe's office?—No, I did not go to the office.

2780. Did you see or speak to Mr. Pardoe, or his son, or his clerk, or any person in his establishment?—When I left the room, there was a crowd of women who said, "That is young Mr. Pardoe." I had not the pleasure of knowing either of the Mr. Pardoe's. I said, "Mr. Pardoe, is your father here?" he said, "He is not."

2781. Which Mr. Pardoe was it you saw; was it that gentleman (*pointing to a young gentleman on the opposite side of the table*)?—Honestly, there was not much light.

2782. And you do not know?—I have never been introduced to Mr. Pardoe; I never spoke to him in my life before.

2783. Was that the gentleman (*pointing to the same gentleman as before*)?—I think so, I believe it was; but I have never been introduced to him, and it was not light.

2784. At all events, you spoke to him as Mr. Pardoe, and he answered, and said his father was not there?—Yes, I did.

2785. Did you make any further representation to him about what was going on?

Mr. *Giffard* objected to the question.

Mr. *Fitzjames Stephen* submitted that Mr. Pardoe, junior, had been shown to be an agent of the Respondent.

Mr. Justice *Blackburn* decided not to exclude this evidence; but to receive it for the present, and consider the effect of it afterwards.

Mr. *Giffard* stated that he was informed that the Mr. Pardoe to whom the Witness spoke was not the gentleman in court, but a younger Mr. Pardoe.

2786. Mr. *Fitzjames Stephen* (to the *Witness*).] Did you make any complaint, and what did you say to the gentleman you spoke to; this young Mr. Pardoe?—I said, "There is disgraceful drinking in that room among the women."

2787. How came you to speak to him more than anyone else?

Mr. Justice *Blackburn* ruled that the question was inadmissible.

2788. Mr. *Fitzjames Stephen.*] Did you say more than that?—I said, "I hear your father is responsible for it."

2789. Will you tell us what was said; go on?—"I cannot help it, Miss Havergill," I believe was his reply.

2790. Was that all the conversation that passed?—All.

2791. Did you mention what you had seen to your brother-in-law, Mr. Giles Shaw?—Not for a long while; I wished to keep the matter quiet to myself.

2792. Will you tell me when you mentioned it to Mr. Giles Shaw?—I never gave him the whole detail until yesterday.

2793. When did you mention it generally to him; I presume from that that you mentioned it generally?—He heard that I had been there, and inquired if I had.

2794. When was that?—It might have been Wednesday, the 11th of November.

2795. This happened, I think, on the 10th?—Tuesday, the 10th of November.

2796. In consequence of something he had heard, he asked you if you had been there?—Yes; he asked if I had been there.

2797. And, of course, you told him you had?—Yes.

2798. And in general terms you told him, I suppose, what you had seen?—Yes, generally.

Mr. *Giffard* stated that he did not wish to ask the Witness any questions.

Mr. Justice *Blackburn* referred in terms of high commendation to the conduct of the ladies in going to the "Wheatsheaf," to remonstrate with the women who were drinking.

JOHN HUNT, sworn; Examined by Mr. *Chandos Leigh.*

J. Hunt.

2799. WHAT are you?—A Carpenter.

2800. Where do you live?—At Wrax.

2801. In Bewdley?—Yes, in the borough of Bewdley.

2802. Do you know the "Hop Pole"?—Yes.

2803. Were you there on the 5th of November?—Yes.

2804. What was going on there?—Drinking

and amusements, and so forth; fiddling and something of that.

2805. Who is the landlady?—Mrs. Winwood.

2806. Whom did you see there?—There was John James, a voter; Benjamin Carter, Edward Waldron, and Mr. Burnish was chairman of the meeting, I believe. He acted as chairman, and several others were there.

2807. Was

2807. Was there a free-and-easy going on?—It was something similar to one; I do not know what they call it.

2808. Did you see any ale brought in?—Yes.

2809. How much?—A quantity; I could not count how much. It was late when I went in, after nine o'clock.

2810. Till how late did you stay?—Perhaps twelve.

2811. How much ale did you see brought in in that time?—I could not state any quantity; it was about eleven o'clock when they said the ale was all in.

2812. Who said that?—Benjamin Carter.

2813. How was the ale brought in?—In jugs; it was in an upstairs room.

2814. Were you there?—Yes.

2815. Did the company help themselves, or was it poured out to them?—First one poured out and then another; not any particular one.

2816. Did you see anybody pay for it?—No, not up to, I should think eleven o'clock.

2817. Did you see anybody pay for it then?—Yes.

2818. Was that after this Carter said the drink was out?—Benjamin Carter came in; he said, "Mr. Chairman, the drink is all in"; and he said, "Bring another gallon."

2819. Mr. Justice *Blackburn*.] Who said this?—Mr. Carter.

2820. When he said "Mr. Chairman," whom

did he mean?—Mr. Burnish was acting as chairman.

2821. What did Mr. Burnish say then?—He ordered another gallon of ale in, and paid for it, and said he supposed he should have six months before it was all over, on the round stairs.

2822. Will you say again what Mr. Burnish said?—He ordered a gallon of ale, and he paid for it 2 s. to Benjamin Carter; he said he supposed he should have six months before it was all over, on the round stairs.

2823. Who; Carter or himself?—Himself; Mr. Burnish said this, applying it to himself.

2824. Mr. *Chandos Leigh*.] After that gallon of ale was drunk, did the people pay for themselves?—Yes.

2825. You mentioned some of the names; how many people about were there altogether?—During the whole time I was there?

2826. Yes?—Perhaps 20 or more.

2827. You told us that you paid nothing yourself?—No.

2828. Saw nobody pay?—No, up to this gallon of ale.

2829. You voted for Mr. Lloyd?—Yes.

Mr. *Giffard* stated that he would not ask this witness any questions.

[The Witness withdrew.

THOMAS DRAPER, sworn; Examined by Mr. *Fitzjames Stephen*.

2830. WHAT are you?—A Butcher.

2831. Do you know the "Hop Pole" public-house?—Yes.

2832. Who does that belong to?—Miss Radnor.

2833. And who is that kept by?—Mrs. Winwood.

2834. And have you a mortgage upon it?—Yes.

2835. Did you go some time lately to Mr. Pardoe's office?—No, not on that business. He is my solicitor.

2836. Did you see Mr. Burnish?—I saw his clerk.

2837. Pardoe's clerk?—Yes; Mr. Pardoe's clerk.

2838. Is that Burnish?—Yes; I believe that is his name.

2839. When was it you saw Burnish about this business?—I do not know the day.

2840. Was it since the election?—Oh, yes.

2841. How long ago; a month ago?—A month or six weeks ago; more I should think.

Mr. Justice *Blackburn* observed, that what was said by Mr. Burnish after the election was over did not seem to him to have any bearing on the question of agency.

Mr. *Fitzjames Stephen* stated that his examination was intended to elicit facts of some importance.

Mr. Justice *Blackburn* stated that he might elicit the facts.

2842. Mr. *Fitzjames Stephen*.] I do not ask you specially what was said, but did you deliver to him anything which you had received from Mrs. Winwood?—No. Oh, yes, I did; I beg pardon, I had a bill.

9.

2843. Who had given you the bill?—Miss Radnor, a neighbour, to Mrs. Winwood; in fact it is her property; she lives under Miss Radnor.

2844. Did you give this bill to Mr. Burnish?—No.

2845. What did you do with it then?—Gave it back again; gave it back to the party that brought it me.

2846. Who did you give it to?—Miss Radnor.

2847. What did you do with the bill?—I gave it back to Miss Radnor.

2848. Did you show it to Mr. Burnish?—No.

2849. What did you do with it then?—Gave it back to Miss Radnor.

2850. Did you mention it to Mr. Burnish?—I did.

2851. What did you say to Mr. Burnish about this bill?—

Mr. *Giffard* objected to the question.

Mr. Justice *Blackburn* stated that Mr. *Fitzjames Stephen* might elicit the facts of the case.

2852. Mr. *Fitzjames Stephen*.] Now, first of all, when was the bill shown to you by Miss Radnor?—I do not know the day.

2853. Was it before you went to Burnish, or after?—Before I asked Mr. Burnish about the bill.

2854. When did you give it her back?—I do not know the day; it may be a week after.

2855. Did you give it back after seeing Mr. Burnish?—No; I gave it before I saw Mr. Burnish.

2856. Had you looked at the bill?—I saw the bill.

G

2857. Did

J. Hunt.

21 January
1869.

T. Draper.

T. Draper.

21 January
1869.

2857. Did you speak to Mr. Burnish in consequence of seeing the bill?—Yes.

2858. And about the bill?—I asked Mr. Burnish. I was at the shop and he was at the door. I asked Mr. Burnish not to pay Carter the bill; that was all I had to do with it.

2859. Who is Carter?—A customer to Mrs. Winwood.

2860. What Carter is that?—Benjamin Carter.

2861. You said, "Do not pay Ben Carter"?—Yes; "Do not pay Ben Carter, but pay the Mrs."

2862. What Mrs.?—Mrs. Winwood.

2863. What did Mr. Burnish say to that?—If I recollect right, I think he said that he would pay it himself.

2864. To whom?—To Mrs. Winwood.

2865. What did he say?—He said he would pay it himself, or something like that.

2866. But to whom was it to be paid?—Mrs. Winwood.

2867. Did he say anything about what the bill was, or the amount of it?—No, that was not said by either of us.

2868. What did you say about the bill?—I merely asked him to pay Mrs. Winwood instead of Ben Carter; that was all that was said and done.

2869. But surely you must have introduced it in some way?—

Mr. Giffard objected to the question.

2870. You must have introduced it in some way; there must have been some more conversation or you would not have known what bill you were talking about?—I merely asked him not to pay Mrs. Winwood's bill but to herself.

THOMAS DARKE, sworn; Examined by *Mr. Chandos Leigh.*

T. Darke.

2882. WHAT are you?—A Labourer.

2883. Where do you live?—At Lax-lane.

2884. Lax-lane, Bewdley?—Yes.

2885. You are not a voter?—No.

2886. Were you engaged as a watcher?—Yes.

2887. On whose side?—The Tory side.

2888. Who engaged you?—James Pargeter.

2889. Was any sum named; that you were to be paid anything?—No.

2890. Did you watch?—Yes.

2891. For how long?—Five nights and two days.

2892. Do you know what month that was in?—I do not know.

2893. Was it before the election?—Yes.

2894. About how long before the election?—About a week.

2895. Where did you watch?—On the Kidderminster-road, and the Stourport-road.

2896. What did you do?—Walked about.

2897. Were other people there at the same time?—Yes.

2898. Watching also?—Yes.

2899. Did you know them?—Some of them.

2900. Can you mention any of their names?—Yes, I could one or two.

2901. Tell us the one or two that you can mention?—William Clark, Samuel Darks.

2902. Yes; any more?—Thomas Cavill.

2903. Anybody else?—Not that I recollect.

2871. Did you call it Mrs. Winwood's bill, or say what the bill was for?—He knew what the bill was for.

2872. How do you know that he knew; did you talk about it? what did you say?—I had been talking to Miss Radnor when she brought me the bill before. Miss Radnor wished me to see Mr. Pardoe, but I saw the clerk and told the clerk what I tell you, and no more.

2873. How long were you in company with Mr. Burmish?—It may be 10 minutes; 10 minutes, or thereabouts.

2874. Where was that?—At my shop-door. I was in the shop, and he was at the door.

2875. Had you spoken to him about the bill before that?—No, I had not. I told you before I had not.

2876. Was the amount of the bill mentioned?—No, it was not.

2877. Or anything said about what it was for?—No; I merely said I hoped he would not let Carter receive the money.

2878. That you say was Ben Carter?—Ben Carter.

2879. Miss Radnor is the owner of the house, and you have a mortgage on it?—Yes.

2880. I wish you would remember, as near as you can, the words in which Mr. Burnish replied to you?—I think he said, he would see it paid; I do not remember anything else that passed.

Cross-examined by *Mr. Giffard.*

2881. You did not vote either way, I think, at the election?—No, I did not.

[The Witness withdrew.]

2904. You cannot recollect any more?—No.

2905. Were you paid for this job?—Yes.

2906. When were you paid?—I do not know when it was.

2907. Was it after the election?—Yes.

2908. Where were you paid?—At Osman Pountney's.

2909. Is that at the "Malt Shovel"?—Yes.

2910. What were you paid?—Sixteen shillings.

2911. Who paid you?—I do not know.

2912. How was the man dressed?—He was so disfigured that I did not know him.

2913. Where was he disfigured?—About his head and face.

2914. In what way was he disfigured about the head and face?—He had got a mask on, I believe.

2915. Was there anybody with him at the time, standing beside him?—Yes, there was one or two there.

2916. Did you know them?—No.

2917. Do you know a man of the name of William Jackson?—Yes.

2918. Was he there?—I could not say he was.

2919. Are you sure he was not?—I could not say he was there.

2920. Was Osmond Pountney there?—He was at the top of the stairs.

2921. Was

2921. Was the man in the mask in the room? —Yes, he was in a room.

2922. Were there other people who watched there besides yourself?—Yes, there was a great many there.

2923. Were there other people besides yourself in the room when you were paid?—Yes, there was the man that paid us.

2924. But were the other watchers there?—I could not say; not in the room.

2925. Did you go in together, you watchers, or go in one at a time?—One at a time.

2926. Who let you in?—Osmond Pountney.

2927. Can you say how many watchers were there at the time down stairs?—No, I could not.

2928. Were there 20?—Oh, yes, I should think there were 20.

2929. Thirty?—I should not like to say.

2930. You will say that there were 20?—Yes, I am sure there were 20.

2931. Used you to work for Mr. Price at his tan-yard?—I did.

2932. Do you remember Sir Richard Glass coming to canvass?—I do.

2933. At the tan-yard was that?—The bottom of the yard.

2934. When was that; what month was it in? —I do not know.

2935. Do you remember a meeting at the Town-hall when Sir Richard first came here?—No.

2936. Was it in the summer or the autumn when he came to the tan-yard?—I do not know.

2937. Was it in August, or July, or September, or when?—I do not know.

2938. Was it in the summer?—No.

2939. You cannot remember at all when it was?—No.

2940. But you say you remember he came?—Yes.

2941. Can you tell us who came with him?—Several gentlemen.

2942. Did you know any of them?—Yes, one or two of them.

2943. Tell us those whom you know?—Mr. Landon was with him, Mr. Gardener, Mr. Pardoe, and several others I do not know.

2944. Mr. Herbert Pardoe, was he there?—I believe he was.

2945. Which Mr. Pardoe do you mean?—Mr. Herbert Pardoe was there.

2946. Look at the gentleman (*pointing to a gentleman*); was that one?—Yes.

2947. Any other Mr. Pardoe there?—That gentleman there (*pointing to another gentleman*).

2948. What time was it do you know?—Between 11 and 12 o'clock, I should think.

2949. In the morning?—Yes.

2950. What happened when these gentlemen came?—Oh, he asked them for their votes.

2951. Who is "he"?—Sir Richard Glass.

2952. Asked the men for their votes?—Yes.

2953. Where did he ask them for their votes?—At the bottom of the yard.

2954. Whilst he was asking for their votes did any two of the gentlemen talk together; did you hear Mr. Acton Pardoe say anything or do anything?—No, I did not hear him say nothing, that I know of.

2955. Did you hear Mr. Pardoe, senior, do anything or say anything?—No, not that I know of.

2956. Do you know a man called John Clark?—Yes, I do.

2957. Did Clark say anything?—Oh, they went on talking about the votes.

2958. What did they say?—I did not take notice of what they were talking about much.

2959. Was anything said about holding up hands for Sir Richard Glass?—I could not say.

2960. Did you see Clark do anything?—No, I did not see him do nothing.

2961. Did you see anything fetched?—I saw some beer fetched.

2962. Who fetched the beer?—Clark and Pargeter.

2963. Where did they fetch it from; did you see that?—No, I did not see where they fetched it from.

2964. Did Clark say anything before he fetched the beer?—Oh, I did not hear him say nothing.

2965. Where did they fetch the beer to?—Mr. Price's tan-yard.

2966. Who drank the beer?—Oh, there were a good many there to drink it.

2967. Was it drunk?—It was drunk.

2968. Where was it drunk?—At Mr. Price's.

2969. In what part of the yard?—In the boiler-house.

2970. How long after the talking about the votes was this beer fetched?—Oh, directly.

2971. Mr. Justice *Blackburn*.] Was it fetched before Sir Richard Glass had gone away or afterwards?—Oh, he had gone away.

2972. Mr. *Chandos Leigh*.] Was anything paid for it that you saw?—No, I did not see that.

2973. Were Clark and Mr. Pardoe there all the time that Glass was there?—No, they were not there all the time.

2974. Did Mr. Pardoe stay after Sir Richard had left?—No.

2975. Was the beer sent for while Sir Richard was there?—No, it was not.

2976. Were any of those gentlemen who came with Sir Richard Glass there when the beer was fetched?—No, that I know of.

2977. Can you mention any of those who drank the beer?—Yes, I can mention one or two of them.

2978. Tell us their names, please?—Thomas Griffiths was one.

2979. Yes, who else?—John Brooks.

2980. Yes, who else?—Benjamin Pountney.

2981. Yes, who else?—Mr. Hollington.

2982. Yes, who else?—John Clark, James Pargeter.

2983. Joseph Evans, do you know?—Yes, I know him.

2984. Did he drink any?—I could not say.

2985. Charles Moul?—He was there, I believe.

2986. George Thomason?—I could not say.

2987. Before this beer was sent for, did you see Clark talk to anybody?—To Mr. Pardoe.

2988. Which Mr. Pardoe?—The old gentleman.

2989. How near were they to you when they were talking together?—Oh, 12 or 14 yards I may say.

2990. Were they away from the others or with the others?—Away.

2991. Where was Sir Richard Glass when they were talking together?—He was amongst the lot of them.

2992. How long did they go on talking?—Oh, not long.

2993. After they talked, what happened?—They went away, and the beer was fetched.

T. Darke. 2994. Fetched by whom?—John Clark and Pargeter.
 2995. You said it was at Mr. Price's tanyard?—Yes.
 2996. Did Mr. Price send you after anybody on the polling-day?—Yes.
 2997. Whom did he send you to?—Edward Miles.

Mr. *Giffard* objected to the evidence.

Mr. Justice *Blackburn* stated that it must be shown to him who Miles was.

2998. Mr. *Chandos Leigh*.] Who is Miles?—He worked for Mr. Price as a tanner.

2999. Is Miles a voter?—Yes.

Mr. Justice *Blackburn* stated that the notice of objection was to Mr. Price exercising undue influence.

Mr. *Chandos Leigh* stated that he would not pursue this course.

Cross-examined by Mr. *Giffard*.

3000. Were there watchers on the other side?—I do not know.

3001. Do you mean to swear that?—Yes; I do not know.

3002. How do you know there were more watchers than yourself on your side?—Oh, because they told me; I was with them.

3003. You did not see them; you did not judge they were watchers from what you saw?—Oh, they told me.

3004. That is the only way in which you know it?—Yes.

3005. Do you mean while they were walking up and down they told you?—I was with them before we went to watch.

3006. How many were with you then?—There was only one with me.

3007. Do you mean to say you did not see anybody watching on the other side?—No, not that I am aware of.

3008. You are quite sure of that?—Not that

I am aware of. I cannot be sure I did not see anybody; I may have seen some one.

3009. Do you mean this one man who walked up and down with you, is the only one who told you that he was a watcher while he was walking up and down watching?—It was not only him; I was talking to several more.

3010. While they were walking up and down watching, is my question?—Yes, when I met them.

3011. How many do you suppose you met who spoke to you about what they were doing?—I met two.

3012. Is that all?—I could not say for any more.

3013. The one who was with you, and the two you met?—Yes.

3014. Now you had better give me the names of the one who was with you and the two others you met?—Samuel Darks and William Clark and Thomas Cavill.

3015. Mr. Justice *Blackburn*.] Which was the one that was with you, and which were the two that you met?—Thomas Cavill was with me, and we met William Clark and Samuel Darks.

Re-examined by Mr. *Fitzjames Stephen*.

3016. You say you were watching with another man?—Yes.

3017. Did you go in one particular place, one particular beat?—Yes.

3018. Before you set out to go on this beat, did you see other persons there, a lot of you together?—Yes, there were a good many going on other beats.

3019. In different directions?—Yes.

3020. Did you see them set off?—Yes.

3021. Did they go two and two?—Well, they were supposed to be two and two.

3022. I suppose that is not a very difficult thing; you can say whether they were two and two, because you saw them go?—Yes.

[The Witness withdrew.]

EDWARD MILES, sworn; Examined by Mr. *Fitzjames Stephen*.

E. Miles.

3023. WHAT are you?—Tanner.

3024. Last summer were you working for Mr. Price?—I was at work for Mr. Price.

3025. Do you recollect Sir Richard Glass coming to the yard?—No.

3026. Have you ever seen Sir Richard Glass about the yard or near it?—I have never seen Sir Richard Glass on them premises.

3027. Did you ever see Sir Richard Glass anywhere in the neighbourhood?—Yes, I see him in the street.

3028. How near did you see him come to the door of the tanyard?—Of course the yard is 40 or 50 yards to the street; he came down behind the entry door, the yard door.

3029. Did you ever see him speak to the men at the tanyard?—No.

3030. Do you recollect ever seeing Mr. Pardoe in the tanyard?—Mr. Acton Pardoe?

3031. Yes?—I saw him several times in the tanyard years ago.

3032. I am not talking of years ago, last July?—I do not know whether he was here in that month particularly. I do not recollect particularly; I have seen him several times; I might have seen him then.

3033. Were you there early in July yourself, working all through July at the tanyard?—Yes.

3034. Did you see Mr. Pardoe in the tanyard any time early in July?—Not as I know of; not as I recollect.

3035. Did you early in July, at any time, see Sir Richard Glass talking to Mr. Price's men at the tanyard?—No.

3036. You did not?—No.

3037. You never saw him at all there?—Never saw him at all on the premises.

3038. Or talking to the men?—Or talking to the men.

Mr. *Giffard* stated that he would not ask this witness any questions.

MICHAEL JAMES HOLDER sworn; Examined by Mr. *Fitzjames Stephen*.

3039. WHAT are you?—Out of business.
 3040. Retired?—No.
 3041. Do you recollect being at the “Wheat-sheaf” in the course of last summer?—Yes.
 3042. Did you ever see Sir Richard Glass there?—Yes.
 3043. Who else have you seen there with Sir Richard Glass?—I do not remember.
 3044. Were there many persons or few?—Few.
 3045. Are you a voter?—Yes.
 3046. Was there anything to drink on that occasion?—Yes.
 3047. What was there to drink?—Brandy and soda-water.
 3048. Was there any wine?—No.
 3049. At no time?—No.
 3050. Now about the brandy, did you pay for it?—No.

Mr. *Giffard* objected to the evidence on the ground that the name of this witness was not in the list furnished by the other side.

Mr. *Fitzjames Stephen* stated that he was not mentioned in the scrutiny list, but that the contention was that he was treated by Sir Richard Glass on this occasion.

Mr. Justice *Blackburn* stated that he must hear at what time this occurred.

3051. Mr. *Fitzjames Stephen* (to the Witness).] What time is this that you are speaking of?—I cannot remember.

3052. I must try and help you; was it in July?—I think it was.

3053. You say there was brandy?—Yes.

3054. What was going on when you were at the “Wheat-sheaf” with Sir Richard Glass?—What was going on? I heard Sir Richard Glass make a speech, a short one.

3055. What was his speech about?—I cannot remember now.

3056. Was it about politics?—Yes.

3057. Who else was there besides yourself?—I cannot tell.

3058. Could you give me an idea how many people there were present?—Perhaps a dozen.

3059. How came you to go?—I saw the gentle-

men coming from canvassing and I followed them in the room. *M. J. Holder.*

3060. Now, what gentlemen had you seen canvassing, as you say, with Sir Richard Glass that day?—I forget who they were.

3061. Well, think and remember?—I cannot tell.

3062. How many did you see?—Well, there were not a dozen altogether.

3063. You followed them in?—Yes.

3064. When you got in, into the room, what about the brandy; where did that come from?—From the table.

3065. Do you mean you found it on the table when you came in?—Yes.

3066. And was there anything else besides brandy?—Soda-water.

3067. How much was there on the table?—I cannot tell.

3068. Was any observation made by Sir Richard Glass, or in his presence, about the quality of the brandy?—No.

3069. Did you see any other liquor come into the room, in the course of the time you were there, besides what there was at first?—No.

3070. Nothing but the brandy and soda-water that you saw when you went in?—No more than when I went in.

3071. Did you drink it?—I drank one bottle of soda-water with brandy.

3072. Was there any champagne at any time that you saw?—No.

3073. Do you know a man of the name of Charles Pountney?—Yes.

3074. Had you talked to him about this meeting when you were present at the “Wheat-sheaf”?—I may have.

3075. Now, I cannot ask you what you said to him; but recollecting what you said to him, I ask you whether the brandy that you found was not changed in the course of the time that you were there, and other brandy put there?—No.

3076. Do you say now there was no other brandy brought?—No.

Mr. *Giffard* stated that he would not ask this witness any questions.

[The Witness withdrew.]

WILLIAM PAGET, sworn; Examined by Mr. *Chandos Leigh*.

3077. ARE you the landlord of the “Red Cow,” Stourport?—Yes.

3078. Are you a voter?—Yes.

3079. Do you remember a supper at your house in August last?—Yes.

3080. Early or late in August?—I cannot say.

3081. You cannot remember the day?—No, I cannot.

3082. Who ordered the supper?—That I cannot say.

3083. Can you tell us who were there at the supper?—Yes, a few of them.

3084. Tell us a few?—Charles Ball and William Rowley, and George Massey, Nixon; I cannot mention all their names.

3085. Do you know a man called John Taylor?—No.

9.

3086. Do not you know Mr. Taylor?—Taylor? *W. Paget.*
Yes.

3087. Did anybody take the chair at the supper?—Taylor.

3088. Who is Taylor?—He is a clerk; one of Mr. Swan’s, at the vinegar works; he is a stranger to me.

3089. Do you know whether he has anything to do with the Conservative Association at Stourport?—I do not know anything of it.

3090. You say he took the chair?—Yes.

3091. How many were at supper altogether?—Ten or fifteen; perhaps more; I cannot say.

3092. What time did the supper begin?—Eight o’clock.

3093. And until what time did it last?—About half-past 10.

G 3

3094. What

W. Paget.

21 January
1869.

3094. What was supplied, in the way of drink, for supper?—Nothing but ale.

3095. Any tobacco?—Yes.

3096. Were there any speeches made?—Yes.

3097. Who made speeches?—Mr. Taylor.

3098. What was the speech about?—Hoped we should all vote for Mr. Richard Glass.

3099. Were healths drunk?—Yes.

3100. Whose healths were drunk?—Mr. Richard Glass's.

3101. You were at the supper yourself?—Yes; I had none of the supper, but I had some of the beer afterwards.

3102. Did anybody pay you for the supper?—Yes.

3103. Who?—Mr. Taylor.

3104. When?—As soon as they had finished.

3105. Were you canvassed for your vote?—Yes.

3106. Were you ever canvassed by Sir Richard for your vote?—Yes.

3107. Did he come alone when he canvassed you for your vote?—No.

3108. Who did he come with?—Mr. Joseph Rogers, and there was two more of them; there was his clerk, lawyer's clerk.

3109. Do you know a Mr. Crowther?—Yes; Mr. Crowther and Mr. Anderson.

3110. Mr. Anderson is the gentleman you mean by the lawyer's clerk?—Yes.

3111. Did you know Sir Richard Glass when he came to canvass you for your vote?—Not the first time.

3112. Was he introduced to you?—Yes.

3113. Who by?—Mr. Rogers introduced him to me.

3114. That gentleman there (*pointing to a gentleman*)?—Yes.

3115. After they had canvassed you did you see what they did?—No, I did not.

3116. Did you see them go down the street?—Yes.

3117. Together?—Yes.

3118. Did they stop at any other houses?—Well, they seemed to take the houses afore them; but I did not take much notice.

3119. What do you mean by taking the houses afore them?—The voters they took afore them; the houses.

3120. You mean they canvassed at the houses?—Yes.

3121. Were they together, as they took the houses before them?—Yes.

Mr. Giffard stated that he would admit that these persons were in company with Sir Richard Glass, but that he would not admit that they canvassed.

3122. Mr. Chandos Leigh.] Had any of the party a book with them?—Yes.

3123. Who?—Anderson.

3124. Did you see him mark or write anything in the book?—He had his book with him. I did not notice whether he put anything down.

3125. When you were introduced to Sir Richard Glass, did you see him make any mark in the book?—No, I did not.

3126. Had he the book open or shut, then?—That I cannot say.

3127. Do you know a Mr. Thomas Radford?—Yes.

3128. Did he canvass you for your vote?—Yes.

3129. When was that?—I cannot say; not many days before the polling.

3130. Had you ever seen Thomas Radford with Sir Richard Glass?—No, I did not.

3131. When Thomas Radford canvassed for your vote, did he say anything to you?—Yes.

3132. What?—He asked me if I would vote for Sir Richard Glass.

3133. Anything else?—Yes.

3134. What?—He asked me how it was that he had not dealt with us lately, and I told him I could not tell. He ordered some coal of us.

3135. How much?—Three tons.

3136. Did he say anything else?—No; he told me to send it in when I liked.

3137. Did you send it in?—No.

3138. How did you come not to send it in?—I did not send it in.

3139. How was that?

3140. Mr. Justice Blackburn.] I suppose you had some reason?—Yes, because I did not mean voting on their side. I thought, perhaps, he would not like to deal with us again, and so for that reason I did not send it.

3141. Mr. Chandos Leigh.] Was anything more said by Radford about getting or losing custom?—No; he left me then.

3142. But at any time?—No.

3143. Think?—No.

Cross-examined by Mr. Giffard.

3144. You were at the supper, you say, but partook of the beer and not of the supper; what was the supper?—I cannot say, for I did not come home till it was over.

3145. Well, you have been telling us a good deal about it; how did you know that Taylor took the chair at the supper?—He was in the chair when I come home after it was over.

3146. You infer from that that he was in the chair during the supper?—I cannot say as he was during the supper.

3147. You have said so?—He was when I was in the room.

3148. Do you know anything about where this supper was obtained from?—No, I do not.

3149. You did not supply it?—I cannot say, for I come over just as it was over; but I went in the room and had share of the beer and tobacco.

3150. Mr. Justice Blackburn.] You know whether you were paid for the supper or not?—No, I had been out for some days.

3151. You say Taylor paid you afterwards?—Yes.

3152. Was Taylor's payment for the supper or not?—Taylor paid for the supper afterwards.

3153. Paid you?—No, my wife.

3154. Mr. Giffard.] You say he paid your wife?—Yes.

3155. Is your wife here?—No.

3156. She can be, I suppose; there is no difficulty in getting her?—No, but not to-day.

3157. You only know, then, about the payment to your wife?—She had the payment.

3158. That is all you know about the payment; what your wife has told you?—Yes.

3159. When were you canvassed by Mr. Lloyd, if ever?—I cannot say.

3160. You were canvassed by him?—Yes.

3161. Did you promise him your vote?—Yes.

3162. And you voted for him?—I did.

3163. Can

3163. Can you tell me whether that was before or after the supper?—I cannot.

3164. Cannot tell either way?—No.

3165. Now, you talk about being introduced to Sir Richard Glass; I suppose the gentlemen said to you, "This is Sir Richard Glass"?—Yes.

3166. And then Sir Richard Glass spoke to you about your vote?—Yes.

Re-examined by Mr. Fitzjames Stephen.

3167. You say your wife was paid; did you see the money paid to your wife?—I did not.

[The Witness withdrew.]

JAMES WILLIAMS sworn; Examined by Mr. Sturge.

3168. WHAT are you?—I work at garden work.

3169. Do you know the "Rising Sun" public-house?—Yes.

3170. Is William Mountpriet the landlord of that?—Yes.

3171. Do you remember the polling-day here the last election?—Yes.

3172. Were you at the "Rising Sun" that day?—Yes.

3173. Was it in the morning that you were there?—Yes.

3174. Had you breakfast there?—No, I had my breakfast at home.

3175. Did you see any breakfast there going on?—No.

3176. Was there any eating and drinking?—I had some beer there; but I see nothing to eat at all.

3177. Did you pay for the beer?—No.

3178. Were there many people there?—Very few.

3179. Were there any there that you knew?—No, I did not know anyone there.

3180. Do you know a man named Jarvis Salter?—Yes.

3181. Was he there?—I did not see him.

3182. Did you see Thomas Crew?—No.

3183. Did you see William Dance?—Yes, he was there.

3184. Was James Millward?—I did not see him.

3185. Did you see Abraham Millward there?—No.

3186. Do you know him?—Yes.

3187. Was John Morris there?—Yes.

3188. Was John Page there?—Yes.

3189. Was Thomas Page there?—I do not recollect him at all.

3190. Was William Wakeman there?—No, I never see him.

3191. Are you a voter?—Yes.

3192. How did you vote?—For Mr. Glass.

3193. What time of the day did you go to the poll?—I cannot tell.

3194. Did you go from the "Rising Sun"?—We walked down from the "Sun" to the poll.

3195. And then you voted?—Yes.

3196. These people that you mentioned, did you see them have any beer?—No, I did not.

3197. Did you see beer there?—There was some beer there, because I had some.

3198. Did you see any beer besides?—No.

3199. Who gave you the beer?—It was on the table, and I took it.

3200. What was it in?—In a jug.

3201. A large jug?—A quart, or something like that.

3202. Did you see anybody help themselves?—No.

3203. Did you help yourself?—I had a glass, out of it.

3204. Did you pay for it?—No; I did not.

3205. Did you have anything to eat?—No.

3206. Did you see anything on the table?—There was nothing on the table, only the jug and the glass.

[The Witness withdrew.]

W. Paget.

21 January
1869.

J. Williams.

JOSEPH ROGERS sworn; Examined by Mr. Fitzjames Stephen.

3207. ARE you a Groom?—Yes.

3208. To Mr. Rickaby?—Yes.

3209. Do you recollect Sir Richard Glass coming to Bewdley last July?—Yes.

3210. And in consequence of something said to you, did you go up that afternoon to Mr. Pardoe's?—Yes.

3211. Were you let in to Mr. Pardoe's grounds?—Not the first time as I went.

3212. But were you after a time?—Yes.

3213. Who let you in?—Mrs. Pardoe.

3214. When you got in, where did you go?—She led me the way round the house on to the back of the lawn.

3215. When you got to the back of the house, what did you find there?—I saw a table there, and a cloth laid, and some bread and cheese on it.

3216. And some beer?—Yes.

3217. Did you find any people there besides yourself?—Yes; a number of people besides myself.

3218. How many altogether, do you think?—About 50.

9.

3219. Did you see John Oakes there?—Yes; I see John Oakes.

3220. He is the gardener, I believe?—Yes.

3221. Did you see James Field?—I did.

3222. Did you see a man, Thomas Wood, who is called "Bliss"?—Yes, I did.

3223. And various other people?—Yes; and various other people.

3224. Did these people who were there eat the supper?—They had some supper, and I had some with them.

3225. After you had done supper, did Sir Richard Glass's carriage drive up?—About an hour and a-half after; after I had my supper.

3226. Who was in the carriage with him when he came?—There was Sir Richard, Mr. Giles Shaw, and Mr. Webster, and I think Mr. John Bury was there; I will not be certain.

3227. Did you cheer him, and so on?—Yes.

3228. Did the carriage stop at Mr. Pardoe's?—They drew up about half a second.

3229. What happened while the carriage was drawn up?—There was a hurrah and a waving of hats.

G 4

3230. What

J. Rogers.

J. Rogers.

21 January
1869.

3230. What did Sir Richard Glass do, or say ?
—Like that (*describing it*).

3231. Then you hurrahed, and the carriage
drove off?—Yes.

3232. I believe you ran on the step?—Yes, I
did.

3233. To Winterdyne?—Yes.

3234. When you got back to Winterdyne, did
you see Dr. Webster?—I did.

3235. What did you do when you saw Dr.
Webster?—I said, "Glass for ever!"

3236. Was there anybody else with you?—
There was another person with me, but I cannot
recollect who it was; there was two of us.

3237. And what became of you and Webster?
—I touched my hat to him, and I gave a tip for
some beer; I asked for beer.

3238. Did you get any beer?—He took me
into the "Pack Horse" and ordered me to have
a cup of beer.

3239. Was there anybody else in the "Pack
Horse" when he gave you a cup of beer?—Yes.

3240. Who was there?—Mr. Abel Cooke was
there, and a man of the name of James Jordan.

3241. And Joseph Cooke; was he there?—
Yes.

3242. Did Joseph Cooke get any drink?—He
did not have any beer.

3243. But did he have anything else?—Yes.

3244. What did he have?—It was liquor of
some sort.

3245. Who paid for Joseph Cooke's liquor?—
Mr. Webster.

3246. Did you see him?—Yes; I see him drop
the money on the tray that the liquors was
brought on.

3247. Was there any talk going on at that
time about Sir Richard Glass?—I did not put
my head into what they were talking about; but
I heard two or three words; they were making
remarks of Sir Richard.

Cross-examined by Mr. Poland.

3248. Did you sit down to this table that was
at Mr. Pardoe's?—No, I stood up.

3249. You stood up and took a scrap of bread
and cheese, did you?—Yes.

3250. You did not vote, I suppose?—No.

3251. About the number of persons; you do
not mean to say that there were anything like 50
persons?—There was.

3252. A good many boys?—Not the time that
I was there; they came afterwards.

3253. You mean altogether 50; do you?—Yes.

3254. Were there a lot of boys there?—Yes,
after.

3255. They cheered, did they?—Yes, they
cheered.

3256. How far is the "Pack Horse" from this
place; from Mr. Pardoe's?—A quarter of a
mile.

3257. How much beer did Dr. Webster give
you there?—A pint.

3258. What was it Joseph Cooke had?—
Liquor.

3259. What liquor, do you know?—No; I
know it was liquor.

3260. Do you know what was paid for it?—I
think it was half-a-crown. I will not be certain
whether it was half-a-crown or a two-shilling
piece.

3261. And some change given?—Yes, and
some change given.

3262. You work for Mr. Rickaby, do you?—
Yes.

3263. Did he vote for Mr. Lloyd?—That
makes no difference to me.

3264. Did he vote for Mr. Lloyd?—I do not
know, I am sure.

3265. Do you mean to say you do not know
Mr. Rickaby?—Yes.

3266. Do not you know he voted for Lloyd?
—He did not tell me.

3267. Do not you know he is on Mr. Lloyd's
side?—He never talked to me much about it.

3268. Have you the remotest doubt about
that?—I believe I was told that he was for Mr.
Lloyd, but he does not tell me that.

[The Witness withdrew.]

HENRY CARTER sworn; Examined by Mr. Chandos Leigh.

H. Carter.

3269. ARE you a non-voter?—A non-voter.

3270. Where do you live?—The Lakes, near
Bewdley.

3271. What are you?—A woodcutter.

3272. Were you employed during the last
election by any body?—Yes.

3273. What as?—Watcher.

3274. Who by?—Edwin Pountney.

3275. Was it to watch for Sir Richard, or for
Mr. Lloyd?—To watch for Sir Richard.

3276. Did you watch?—Yes.

3277. How long did you watch?—What they
call 10 turns.

3278. How many days was that?—Five nights
and five days.

3279. Did you see others watching?—I saw
some round, but I could not say whether they
were watching or not; I did not put that ques-
tion to them.

3280. What were they doing?—Walking
round, but whether watching or not I could not
say.

3281. Can you tell us some of the people you
saw walking round; do you know them?—Some
I did not.

3282. Did you know any of them?—Yes, some
of them.

3283. Tell us them?—I knew Samuel Birch
and his two sons.

3284. Anybody else?—No one else.

3285. Those are all the people you knew in
your 10 turns?—Yes.

3286. Were you paid for watching?—Yes.

3287. What were you paid?—Fifteen shillings
I had on the Friday night, and 15 s. more on the
Thursday night following.

3288. Where were you paid these two 15 s.?—
One 15 s. I was paid at Osman Pountney's, the
"Malt Shovel."

3289. Who were you paid by?—I cannot say;
the man was disguised.

3290. Were you paid in a room upstairs or
downstairs?—Upstairs.

3291. Were there other people in the room
when you were paid?—Yes, there was some one
in the room.

3292. Did you know him?—No.

3293. Do you know William Jackson, of
Wribbenhall?—Yes.

3294. Was

3294. Was he in the room?—He may have been; I did not take any notice of him.

3295. Were there other people in the room?—Yes.

3296. Few or many?—Few.

3297. Were any other people, whom you had seen watching, paid in the room at the same time as yourself?—No.

3298. Were you let into the room by anybody?—I was let into the room the same as if there were a man keeping the door, and I was let to go in like that (*describing it*), it was through the door.

3299. Repeat that again?—There was a man kept the door.

3300. Who was the man that kept the door?—Mr. Pountney was the man that kept the door.

3301. What Pountney?—Osman.

3302. Just describe to us how you were let into the room?—The man had the door in his hand and asked me if my name were Carter, and I said "Yes," and I walked in as it may be two paces, and the money was put into my hands, and I was turned out again downstairs.

3303. Do you know a man called George Millward?—Yes.

3304. Did you see George Millward at the "Malt Shovel"?—I saw him; yes.

3305. Did he show you anything?—He came downstairs after he had been upstairs, and said he had got a sovereign.

3306. You saw him come downstairs?—Yes.

3307. Did you see him go up?—No.

3308. Did he show you anything when he came downstairs?—No, he did not show me anything. I only heard the words that he had got a sovereign.

3309. Did you see any money?—No.

3310. Do you remember the polling-day?—Yes, I remember it.

3311. Were you at Mr. Pardoe's house in Lower Park?—I went across there in the morning, but I did not go into his house. I went into a back place.

3312. Did you see anything in the back place?—No; nothing besides a lot of men stood there.

3313. Who were the men?—I cannot say.

3314. Did you know any of them?—I may have known at the time. I do not know any of them now.

3315. Do you remember who any of them were?—No.

3316. Were they doing anything besides standing still?—No; doing nothing besides standing about.

3317. Did you see any eating or drinking?—No.

H. Carter.

Cross-examined by Mr. *Giffard*.

21 January
1869.

3318. I do not know whether you know where the George Millward lives that you speak of; there are two persons named George Millward in Bewdley; do you know which is which?—I know the one I mean; he lives opposite the "Malt Shovel," just beyond the Welch Gate.

3319. Is the "Malt Shovel" on Sandy Bank?—No.

3320. Mr. *Fitzjames Stephen*.] Where does the George Millward live whom you saw at the "Malt Shovel"?—Opposite the "Malt Shovel;" the back of the Welch Gate, a little above the Welch Gate; it is a place called Sandy Bank.

3321. Mr. Justice *Blackburn*.] What do you call the street where he lives?—Sandy Bank I think it is. I do not know anything else.

3322. What is he by trade?—Wood collier.

3323. Mr. *Giffard*.] Just one word more about it. Is this George Millward that you saw a married man?—Yes.

3324. Do you know more George Millwards than one?—No; I do not know any more than one.

3325. You only know one George Millward?—Only one.

3326. And you said he was a wood collier?—Yes.

3327. Where does he work?—He works for the Pountneys, I believe.

3328. How long have you known this man George Millward?—Three or four years; it may be longer.

3329. Has he been always working there?—I do not know whether he has always worked there or not.

3330. I mean since you have known him?—When I first knew him he did not work for them.

3331. Is the man in court you speak of?—I do not know.

3332. Just look round and see; is that the man (*pointing to a man*)?—Yes.

3333. Mr. Justice *Blackburn* (to George Millward).] Are you the voter?—Yes.

3334. Mr. *Giffard* (to George Millward).] Did you vote at all?—Yes.

[The Witness withdrew.

Mr. Justice *Blackburn* desired that Millward should be sworn.

GEORGE MILLWARD sworn; Examined by Mr. *Fitzjames Stephen*.

3335. ARE you George Milward of Sandy Bank?—Yes.

3336. Did you vote for this election?—Yes.

3337. Who did you vote for?—Sir Richard Glass.

3338. Did you watch?—No.

3339. Did you get any money?—I never watched, and so I could have none.

Cross-examined by Mr. *Giffard*.

3340. You did not receive any money?—No; not a farthing. I want some, if I can get hold of it. I should like to have some, if they talk about having any.

Mr. *Giffard* stated that he found that there were two voters on the Register of the name of George Milward.

[The Witness withdrew.

*G.
Millward.*

MARY HEAD, sworn; Examined by Mr. Fitzjames Stephen.

- M. Head.*
 21 January 1869.
3341. ARE you the wife of Edward Head?—
 Yes
3342. And is he a shoemaker in Welch Gate?—
 Yes.
3343. Do you recollect, one day in July last, seeing Sir Richard Glass?—I remember the first time that Sir Richard Glass came here; I do not know what month it was.
3344. Is there a Mrs. Lucas, who lives opposite to you?—Right opposite.
3345. Did you see Sir Richard Glass come out of her house?—Yes; I did.
3346. Who was with him; anybody?—There were several gentlemen with him; but one, in particular, was Mr. Pardoe.
3347. Do you remember any of the others?—I think Mr. Bury was one.
3348. Can you mention any others besides?—I cannot, for I did not notice them. I merely noticed Sir Richard.
3349. After he came out, did you see Mrs. Lucas?—Yes; I did.
3350. How far off was Sir Richard Glass, when you saw Mrs. Lucas?—About six yards from Mrs. Lucas's door.
3351. Did Mrs. Lucas do anything?—Held up the money, in her hand, that she said Sir Richard had given her.
3352. What money?—Half-a-sovereign in her right hand and a shilling in her left.
3353. Did she say anything; do not tell me what she said; but did she say anything?—Yes.
3354. Could Sir Richard Glass hear what she said?—No; I do not think he could, for he was some distance from her.
3355. You heard distinctly what she said?—Yes.
3356. Now, do you recollect anything that took place in Welch Gate, in the open street?—Yes.

3357. When was it; the same evening, or the next evening?—I think, as near as I can recollect, it was the next evening, when I was going to tea.
3358. What did you see taking place there?—I saw two forms along the street, one behind the other, opposite Mrs. Lucas's shop window, and some women drinking beer there.
3359. Were there any men or children besides the women?—There were some children; but I did not see any men.
3360. And were there any ribands about, or anything?—I think there were ribands or blue paper; one or the other.
3361. Where?—Hanging on a large tree at Mrs. Lucas's door.
3362. Mr. Justice *Blackburn*.] What is Mrs. Lucas's; a public-house?—No, she keeps a green-grocer's shop.
3363. Mr. *Fitzjames Stephen*.] She is the wife of Edward Lucas, is she?—I do not know her husband's name.
3364. These people, you say, were drinking beer?—They were.
3365. Did they drink any healths?—Yes, they were drinking Sir Richard's health, and shouting "Glass for ever."
3366. Did you see whether any money was paid; whether they paid anything to anybody?—No, they did not; not that I see.

Mr. *Giffard* stated that he would not ask this witness any questions.

[The Witness withdrew.]

Mr. *Chandos Leigh* stated that this closed the evidence with regard to treating as a system, and that the evidence now would chiefly have reference to isolated cases of bribery and intimidation.

WILLIAM JONES, sworn; Examined by Mr. Chandos Leigh.

- W. Jones.*
3367. WHAT are you?—A letter carrier.
3368. Where do you live?—At Stourport.
3369. Are you a voter?—Yes.
3370. Which way did you vote?—For Mr. Lloyd.
3371. Do you remember Monday the 2nd of November?—Yes.
3372. On that day did you bring your letter bags to the Stourport Post Office?—Yes.
3373. Is a Mr. Charles the postmaster?—Yes.
3374. And does he keep a shop?—Yes.

Mr. *Giffard* stated that he did not propose, at present, to ask his Lordship to check this examination; but he pointed out that this was a case of which the Respondent had had no information furnished him by the Petitioners.

Mr. *Fitzjames Stephen* stated that this was the case of intimidation by the postmaster.

Mr. Justice *Blackburn* stated that he trusted, in future, the fullest information would be given beforehand in these cases; and that he must, if Mr. *Giffard* desired it,

postpone the cross-examination of this witness until he had had some opportunity of answering their evidence.

3375. Mr. *Chandos Leigh*.] You say you went into the office; does Mr. Charles, the postmaster, keep a shop?—Yes.

3376. Was anybody in the shop with him?—Yes, Joseph Rogers.

3377. That gentleman (*pointing to a gentleman*)?—Yes.

3378. Did Mr. Rogers speak to you?—No; not in going in.

3379. Did he speak to anybody?—He spoke to Mr. Charles when I went through.

3380. After he had spoken to Mr. Charles did he come to you?—Yes.

3381. What did he say to you?—He asked me if I had a vote.

3382. Who asked you?—Mr. Rogers.

3383. Was Mr. Charles there at the time?—No; he was in his shop still.

3384. Tell us what he said?—He came in and asked me for my vote; he wanted to know if I had promised it; I told him I had not promised, but I expected a party when I got home; he said he would accompany me home from the office

office; I said, he might if he liked. When I got home he stayed, it may have been more than 20 minutes, in the house and asked me for my vote there. I told him that Mr. Baldwin had been a friend to me, I lost my hand under Mr. Baldwin's employment, it was they that got me my situation, and he said, "So might anybody else;" he said after that, "You would not like to offend your master," (meaning Mr. Charles), and I said "No," he said, "If you do, you will get reported and lose your place, and you know very well," he said, "as well as I do that there is plenty waiting for your job."

3385. Was anybody there at the time he said this?—My wife.

3386. Do you remember Sunday morning, November the 15th?—Yes; he called me after I went to the door, called me up the yard.

3387. Mr. Justice *Blackburn*.] Was this on a subsequent day?—The same day; I did not go up to him, and he said "Never mind."

3388. Mr. *Chandos Leigh*.] Was that all that happened on that day?—Yes.

3389. Now I was asking you about Sunday November the 15th, the day before the nomination; did you go to the office on that day for your bag?—Yes.

3390. Were you late?—Yes, seven o'clock; I ought to have been there by a quarter to six.

3391-2. Did you see Mr. Charles?—Yes.

3393. Did Mr. Charles make a statement to you then?—Yes; he said "I suppose you have been electioning," I told him "I had," "They have got a promise out of you I suppose?" I said "Yes, I have promised Mr. Lloyd," "If you vote that way it will be worse for you."

3394. But you did vote for Mr. Lloyd?—Yes.

3395. You have mentioned the name of Mr.

Joseph Rogers, have you ever seen Joseph Rogers asking other people for their vote?—I have seen him with Mr. Glass.

3396. With Sir Richard Glass?—Yes.

3397. What were they doing when they were together?—I do not know what they were doing, but I thought they were going round as if they were canvassing.

3398. Did they stop at houses?—I saw Rogers go to the Post Office, but Sir Richard Glass did not go in with him that day that I saw him.

3399. Have you seen them together?—Yes.

3400. Seen them call at houses?—Yes.

3401. Together?—Yes.

3402. More than one house?—They have been at mine several times when I was not at home.

3403. Have you seen them together at houses?—Yes.

Mr. *Giffard* stated that he was in his Lordship's hands, but that Mr. Charles was not here, and of course under those circumstances it would be idle for him to cross-examine the Witness.

Mr. Justice *Blackburn* stated that the cross-examination of this Witness, must be postponed until to-morrow.

3404. Mr. *Chandos Leigh*.] Is your wife here?—Yes; over the road.

Mr. Justice *Blackburn* desired that if there were any other cases of this description, information should at once be given of them to the Respondent by the Petitioners.

Mr. *Fitzjames Stephen* stated, that before doing that, he would call the wife of the last Witness.

[The Witness withdrew.

MARY JONES, sworn; Examined by Mr. *Sturge*.

3405. ARE you the wife of William Jones, the last witness?—Yes.

3406. Do you remember the 2nd of November, Monday?—Yes.

3407. Do you know Mr. Joseph Rogers?—Yes.

3408. Do you remember his coming to your house with your husband?—Yes.

3409. How long did he stay there?—From 10 to 20 minutes.

3410. Did you hear him talking to your husband?—Yes.

3411. What did he say to him?—He asked him, had he promised his vote, he said he had not; he asked him if he would vote for Mr. Glass; he said he did not know.

3412. Who said?—My husband said he had not promised.

3413. What did Mr. Rogers say then?—He told him of course he supposed he would vote the same way as his master, as he had been a friend to him in little matters, and if he did not it would be worse for him, as he knew there was plenty waiting for his job.

3414. Who was his master?—Mr. Charles, the postmaster.

3415. Was that all that passed then?—No, there were several other things, but not worth notice.

3416. And then Mr. Rogers went away?—Yes.

3417. Has Mr. Rogers been again at your house?—No.

3418. Has Mr. Rogers ever been there before this time?—Yes, he has called before.

3419. When your husband was not in?—Yes.

3420. Was anybody with him when he called?—Yes, Sir Richard Glass and several other gentlemen.

3421. Can you name any other gentlemen?—Mr. Radford was one; I do not know the others.

3422. Have you seen them going to any other houses?—No, not to notice.

[The Witness withdrew.

At this stage Mr. *Fitzjames Stephen* informed his Lordship that if he would allow the Counsel for the Petitioners to retire for a short time, they would prepare such a list as his Lordship had indicated.

Mr. Justice *Blackburn* stated that this course would, no doubt, save time in the result, and the Counsel for the Petitioners accordingly retired for consultation.

After a short time the Counsel for the Petitioners returned, and Mr. *Fitzjames Stephen* stated that a list of cases of bribery was now being copied, and would be furnished at once to the Respondent's Counsel, and that, with the sanction of his Lordship, he proposed now to go into such cases of bribery as Mr. *Giffard* was prepared for, and to give some evidence with relation to agency.

W. Jones.
—
21 January
1869.

M. Jones.
—

AMOS BOWER, sworn; Examined by Mr. Chandos Leigh.

A. Bower. 3423. WHAT are you?—They call me a loom-tuner in this part of the country.
 21 January 1869. 3424. Does that mean an overlooker of carpet looms?—Yes.
 3425. Where do you live?—At Stourport.
 3426. You voted for Lloyd, I believe?—Yes.
 3427. Were you canvassed for your vote?—No.
 3428. Did you see Sir Richard Glass at Stourport?—I saw him, but did not speak to him.
 3429. What was he doing when you saw him?—Walking in the street.
 3430. Alone?—Mr. Radford and Joseph Rogers were with him.
 3431. Anybody else?—Yes; John Radford and Parsons of Bewdley.
 3432. What were they doing?—They were walking down the street when I see them.
 3433. Did you see them more than once?—Well, I see Sir Richard Glass on the balcony of the "White Lion," on his first appearance in Stourport.
 3434. Who was he with then on the balcony, any other gentleman on the balcony with him?—Joseph Rogers, Thomas Radford, and a few strangers.

Cross-examined by Mr. Giffard.

3435. Did you go up to the polling booth on the polling day with a voter who purported to be Mr. Lloyd?—Yes.
 3436. How came you to go up?—Friends and neighbours, that was the only thing.
 3437. What were you doing in the election, were you bringing up voters to the poll for Mr. Lloyd?—I brought three or four up; three of them.
 3438. I suppose you got some instructions about bringing the voters up from somebody?—No.
 3439. Did you do that out of your own head?—My own accord.
 3440. Had you been to Mr. Lloyd's committee-room?—No; I had nothing to do with Mr. Lloyd's committee.
 3441. Had you been to his committee-room?—No.
 3442. Never?—No.
 3443. What time did you go up with this person who voted as Lloyd?—Perhaps it might be a quarter-past three; I cannot say.
 3444. Just give us the names of the three persons you say you took up to the poll?—I took one William Wanklin, and up I went along with him; I cannot recall all the names now.
 3445. There were but three, you have told me?—I went up with three or four; I went up with this Lloyd.
 3446. Did he vote?—I believe he did; but I stood in the doorway.
 3447. You took him up to vote?—Well?
 3448. Did you know him before?—I had been a shopmate with him.
 3449. You did know him before?—Yes.
 3450. How long had you known him?—Twelve or thirteen years.
 3451. Do you mean to say that you were not near enough to see whether he voted or not?—It was inside the doorway; I could see them entering their names.
 3452. You could see him giving his name, and the poll-clerk taking it down?—Yes.

3453. Do not you believe he did vote?—It is hard to say, if a man cannot believe his own eyes.
 3454. You do believe it?—Yes.
 3455. What is his Christian name?—William.
 3456. Where does he live?—Cheapside; Severnside some call it.
 3457. Did you know this man, William Lloyd's father?—I have seen the man.
 3458. Well, you knew his father?—Yes, I know him; I have never had any dealings with him; I have seen him.
 3459. Were you at the registration last July, last September I suppose it would be?—That is before the revising barrister?
 3460. Yes?—Yes, for the county, not for the borough.
 3461. You were not before the revising barrister for the borough; are you quite sure of that?—Yes.
 3462. Did not the barrister do the borough and the county the same day?—No.
 3463. You will swear you were not before the revising barrister for the borough?—I had no cause for that.
 3464. Mr Justice Blackburn.] Cause or not, can you not say whether you were or not?—No, I was not.
 3465. Mr. Giffard.] You were not before the revising barrister for the borough?—I was noticed for the county, and I appeared before him there; but as for the borough vote I was not.
 3466. That you are quite positive of?—Yes.
 3467. Do you live in Stourport?—Yes.
 3468. Were you in Stourport the day the revising barrister was there revising for the borough?—Yes; I was at work there.
 3469. How many days was he revising for the borough?—If I had been there I could have told you, but I think it was only one day.
 3470. You knew William Lloyd, the son, you say, and he had been a shopmate with you?—Yes, I did.
 3471. Did you not know from him that he had no vote?—No.
 3472. Take care; did you not know from him that he had been before the revising barrister to try to get a vote, and had been refused?—I knew afterwards, but not before.
 3473. Before when?—Before the day.
 3474. Did you mean before the election day, or the day of the revising barrister?—The revising barrister of the borough.
 3475. Mr. Justice Blackburn.] What did you know about his having no vote?—I did not know anything about that till after.
 3476. After what?—After the day of the revising barrister.
 3477. Mr. Giffard.] Then you did know it?—I knew what was the rumour, that was all. If I had been in the Court, perhaps, I should have known more about it.
 3478. Now, was it the son or the father that you took up to vote on the day of the election?—The son.
 3479. Was it before that that you had heard what you called a rumour (come now, just tell us) that the son had been refused his vote before the revising barrister?—I heard afterwards, when they scrutinised his vote, that it was not legal; that was after the election when I knew it.
 3480. You had not heard from William Lloyd before then that he had not got a vote?—No.
 3481. You

3481. You swear that; you swear you had not heard from William Lloyd, the son, that he had got no vote?—Not before the revising barrister gave it him; I never did; knew nothing about it.

3482. Between the time the barrister revised and the time of the election, had you heard whether the revising barrister had refused Lloyd his vote or not?—I had never heard.

3483. That you swear?—Yes.

3484. Were you making yourself rather busy about the election?—No, not particularly.

3485. We will see; do you remember paying 15 s. for drink at the "Holly Bush"?—Never.

3486. Will you swear that you did not?—Never a shilling.

3487. Do you know a man named Glover?—I know him; but I am not accustomed to go into his house.

3488. Did you give him 15 s.?—No.

3489. At any time?—Never in my life. I have had a pint of cider there.

3490. Glover keeps the "Holly Bush," does he?—Yes.

3491. Did you give this man Lloyd a card to go to the poll with?—No.

3492. Are you quite sure of that?—Yes.

3493. Had he got a card?—Yes, he showed me his card: "No. 2 booth," that he was going to; that is all I know about it.

3494. Were there different colours to the cards for Glass and Lloyd?—I never see one for Sir Richard Glass. I cannot say whether there was any difference or not.

3495. What was Mr. Lloyd's card?—White and black.

3496. I suppose the colour this man Lloyd showed you was white and black?—I do not remember his showing it me, only he took it down.

3497. You saw it; was it white and black?—You might call it white and black, or black and white, which you will have.

3498. It was one of these two, was it?—It was printed.

3499. Was the card itself any colour?—Well, it was what you call white, I should think, if you can call that a colour.

3500. Had it got any description of the voter on it, of where he lived?—I never handled it.

3501. You saw "No. 2 booth" on it, you know; did you know where the son lived?—Yes, I have told you, at Cheapside.

3502. Does he live at the same place as his father does, or did he at that time?—Two separate houses.

3503. Do you mean by two separate houses, in the same street?—No.

3504. Where do they each live; first tell me where the son lives?—Well, if there be such a place as Mitton, his father lives in Mitton, and the other at Cheapside.

3505. Whereabouts is Cheapside?—Adjoining Severn.

3506. They are known as different places?—Yes.

3507. And you cannot say which address, if either, was upon the card?—No.

3508. You did not look?—I did not handle it.

3509. "Did not look," was my question; did you see what address was on the card?—No.

3510. That you swear?—Well, he said he had to go to No. 2 booth.

3511. I ask you, Did you see on the card what was the address of the voter?—No, I did not have it in my hand.

3512. Did you see the address on it?—Not to make it out.

3513. Did you see the address on it?—I was not near enough to make it out.

3514. Did you see the address on it?—I never handled it, and did not see the address to make it out.

3515. Mr. Justice *Blackburn*.] Surely you can answer a simple straightforward question in a simple straightforward way?—I will try.

3516. Mr. *Giffard*.] Did you see the card?—I could not tell —

3517. Mr. Justice *Blackburn*.] Did you see or know in any way what was the address on the card?—I cannot tell.

3518. Did you not know that this was William Lloyd, the son, and that the man who was on the register was William Lloyd, the father?—I know that it was William Lloyd that the revising barrister gave a vote to; I know that that was the man.

3519. Was not the William Lloyd that the revising barrister gave a vote to, as you say, William Lloyd, the father?—It was given to the son, I believe; I knowed no better.

3520. Mr. *Giffard*.] You told me, I think, that the father lived at Mitton?—In Mitton.

3521. You were getting up voters to the poll; did you ever look at the register?—No, I do not —

3522. Now, take care?—I looked at my own.

3523. You did look at the register, as you looked at your own in it?—I never see one.

3524. What did you mean by saying you looked at your own?—I looked at my own card.

3525. Do you mean to swear, when you said you looked at your own, that was what you meant; do you know what a register is?—Yes; a list of voters, of course.

3526. My question was, whether you looked at the register, and your answer was, "I looked at my own;" do you mean to swear that by that answer you meant, "I looked at my own card?"—Yes, that is what I am alluding to.

3527. Now, I will repeat my question, then: Did you ever look at the register?—I had a register of the voters after the polling; I never see one before.

3528. That is not my question; Did you ever look at one; you might have looked at one in a committee-room, or a friend's house, or a great many other places?—No.

3529. Did you look at the register the day before the election?—I do not remember that ever I did.

3530. Will you swear you did not?—Well, for all I know.

3531. Do you mean you might have looked at it and not known?—I do not believe ever I did.

3532. Will you swear you did not?—Yes; as far as that goes.

3533. As far as what goes?—As looking at one of the registers before the day of the election goes.

3534. You say you brought up three or four voters; where did you get their votes from?—They were neighbours and friends, and never had had the privilege to vote before; and one of them asked me if I would go with him, to accompany him. That is as plain as I can give it.

3535. Which one is that?—That is William Wanklin.

3536. The others, did you fetch them yourself up to the poll?—No.

H 3

3537. Where

A. Bower.

21 January
1869.

A. Bower.
21 January
1869.

3537. Where does Wanklin live?—He lived on the Farm Bed, at that time, in Lower Mitton.

3538. How far did he live at that time from you?—Three or four hundred yards.

3539. How did you know these three or four people had not votes, did they tell you?—Very few, only the present system—

3540. Do not talk about the present system; answer my question?—How did I know? I knowed it was a general thing as far as that went.

Mr. Justice Blackburn.] This is not material, I think.

Re-examined by Mr. Fitzjames Stephen.

3541. About this William Lloyd, when you took William Lloyd up to the poll, did you or did you not believe that William Lloyd had a right to vote?—I believed he had a right.

3542. Had you heard anything about a question as to the right to vote before the revising barrister?—No; I heard afterwards.

3543. Had you, at the time of the election, I mean, heard that there had been a question before the revising barrister about his vote?—Yes.

3544. And had you heard that the revising barrister had decided that he had a vote, or that the revising barrister had decided that he had not a vote?—I heard that the revising barrister had given him a vote.

3545. Now, about this man's father; do the father and son live in the same house or different houses?—In different houses at present.

3546. Do you know who pays the rates for the house in which the father lives?—No, I cannot answer that question.

[The Witness withdrew.

WILLIAM DAVIS, sworn; Examined by Mr. Chandos Leigh.

W. Davis.

3547. WHERE do you live?—In Pall Mall.

3548. Is that in Stourport?—Yes.

3549. And what are you?—A forgerman.

3550. Are you a voter?—Yes.

3551. Are you in the employment of a Mr. Baldwin?—Yes.

3552. Which way did you vote?—For Mr. Lloyd.

3553. Were you canvassed by the other side?—Yes.

3554. Who canvassed you?—Sir Richard Glass, Mr. Joseph Rogers, Mr. Crowther, and Mr. Anderson.

3555. You say they canvassed you; where did they come to?—To my door.

3556. Mr. Crowther is a solicitor?—Yes.

3557. And Mr. Anderson, that is the clerk?—Yes.

3558. Did they come together, those gentlemen you have named?—Yes.

3559. Who spoke to you when they came?—When they came, Mr. Joseph Rogers said to Sir Richard—"Mr. Davis, sir," and then he turned to me and said—"This is Sir Richard Glass."

3560. Introduced you to him?—Yes. "He is come to solicit you for your vote."

3561. What did he say afterwards?—Well, we had a little conversation.

3562. Did anything take place after that?—He asked me to promise him.

3563. Mr. Justice Blackburn.] Who asked you to promise him?—Sir Richard.

3564. Mr. Chandos Leigh.] Did you promise him?—No, I told him I could not.

3565. Had any of the company books with them?—Yes.

3566. Who?—Anderson.

3567. Did you see Anderson make any mark in the books?—I did.

3568. When was that?—Early in the election.

3569. I am talking of the time at which they called at your house?—It was all the same time.

3570. Now, before they came to your house, did you see them?—I saw them at the houses before.

3571. Were the same party together then?—Yes.

3572. Did Anderson say anything to Sir Richard Glass in your presence?—No; I told him that I had promised Mr. Lloyd; but the report was, that Mr. Lloyd was not going to stand, and if not, to solicit me again. He says, "Anderson, make a memorandum of that."

Mr. Giffard stated that he would not ask this witness any questions.

[The Witness withdrew.

JOHN DAVIS, sworn; Examined by Mr. Chandos Leigh.

J. Davis.

3573. WHAT are you?—A Forgerman.

3574. Where do you live?—On the Farm Bed.

3575. Is that at Stourport?—Yes.

3576. Are you a voter?—Yes.

3577. For whom did you vote at the last election?—Thomas Lloyd.

3578. Did the other side call upon you before the election?—The Conservatives? yes.

3579. Who?—Mr. Joseph Rogers, Mr. Glass, Mr. Crowther, and George Anderson.

3580. When was that; how long before, about?—I cannot exactly say the day of the month, but it was some time before the election.

3581. Where did they call at?—My house.

3582. What happened when they called at your house?—Mr. Joseph Rogers introduced Sir Richard Glass to me, and talked to me a little while, and then Mr. Glass offered me a card of address; a card with Sir R. A. Glass on it.

3583. Did anybody ask you for your vote?—Yes.

3584. Who?—Joseph Rogers.

3585. Was it in Sir Richard Glass's presence?—Yes.

3586. Did you see them after they left your house?—No.

3587. Or before?—No; I see them about the street.

3588. When you saw them about the street, were they together then, the same party; tell me who were together?—Mr. Glass I have seen, when he has called at my house, and Mr. Rogers; that is all.

3589. You said you have seen them about the street?—I have seen Mr. Rogers about the street.

3590. Have you seen Rogers about the street with anybody else?—No.

3591. Did

3591. Did you ever see Rogers in company with Sir Richard Glass, except the time that he called at your house?—No.

Cross-examined by Mr. *Giffard*.

3592. Just tell me what happened exactly; who spoke first?—Mr. Joseph Rogers.

3593. What were his words?—He told me that they had called on me to solicit me for my vote.

3594. He did not say “they,” I suppose?—He said “we.”

3595. Just give me, as nearly as you can, his words; first of all, did he tell you who it was that had come?—He told me that Sir Richard was come; that he had brought Sir Richard to me.

3596. Did he point out which Sir Richard was?—Yes.

3597. When he had pointed out which Sir Richard was, did Sir Richard himself speak?—Yes.

3598. What did he say?—He asked me if I would vote for him.

3599. What did you say?—I said, “No, I will vote for Thomas Lloyd; you need not trouble any further.”

3600. What did Sir Richard say upon that?—“Thank you.”

3601. Was that all Sir Richard said?—Yes.

3602. And was that all that Rogers said?—Yes.

Re-examined by Mr. *Fitzjames Stephen*.

3603. You told us just now that Rogers asked you for your vote?—Mr. Rogers introduced Sir Richard Glass to me.

3604. You told us Mr. Rogers asked for your vote?—Mr. Rogers called on me, and said he had brought Sir Richard to ask for my vote.

3605. Is that all he said?—I do not know exactly; I cannot recollect exactly; he told me something about the Church and State.

3606. Mr. Rogers, do you mean?—No; Sir Richard.

3607. I ask you about what Mr. Rogers said?—I do not know about what he said; he merely said what I have told you.

Mr. *Giffard* stated that it would be part of his case, that Sir Richard Glass made a point of doing his canvassing himself.

[The Witness withdrew.]

BENJAMIN AINSWORTH, sworn; Examined by Mr. *Chandos Leigh*.

3608. WHAT are you?—Blacksmith.

3609. Where do you live?—At Stourport.

3610. Are you a voter?—Yes.

3611. Whom did you vote for last election?—Mr. Lloyd.

3612. Before the election, did you see the other side at all; Sir Richard’s people?—Yes, several times.

3613. Where did you see them?—I saw them in the street.

3614. Whom did you see?—I saw Mr. Glass, Mr. Rogers, and Mr. Radford, and Mr. Danks and another gentleman.

3615. Do you know a Mr. Parsons?—Yes, he was along.

3616. Where did you see them?—Opposite my house, in Mitton.

3617. Had they anything in their hand, any of the party; did you see any books or papers?—I saw some papers in one of their hands.

3618. Can you say which that was?—I cannot say; not now.

3619. Did you see any of the party go into the house when they were at your neighbours?—Mr. Rogers I saw at the door talking to my neighbour opposite.

3620. Did he go into the house?—I do not think as he did; stood at the door.

3621. Did anybody else speak to the neighbour opposite except Mr. Rogers at that time?—I did not see any one; not at that time.

3622. What did they do after they had done talking to your opposite neighbour?—They went farther on up the town to some more houses.

3623. Did they go together then?—Yes.

3624. Did they ever come to your house; any of these people?—Yes.

3625. Who came to your house?—Mr. Joseph Rogers and Mr. Radford.

3626. Anybody else?—Yes, young Mr. Anderson, the clerk, and another lawyer; I heard the name and have forgotten; I cannot say what his name was; he was a stranger to me.

3627. Were those all that came to your house?—Those four.

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3628. Was Sir Richard there then?—No.

3629. When they came to your house, what happened?—They asked me about my vote.

3630. Who asked you about your vote?—Mr. Rogers.

3631. What did he ask you about your vote?—He asked me if I had promised my vote to Mr. Lloyd, and I told him I had not. He asked me if I would vote for Sir Richard Glass, and I told him I did not know how that might be, not yet. He said they would give me a month’s work if I would vote for Glass.

3632. Who would give you a month’s work?—Mr. Radford.

3633. On that occasion had any of the party any book or papers in their hands?—Mr. Rogers had.

3634. Did he do anything?—He asked me if I would have my name put down to vote for him; I told him I would rather not that night; I would consider on it in the course of a day or two.

Cross-examined by Mr. *Giffard*.

3635. Did any of those other gentlemen speak to you besides Mr. Rogers?—Before?

3636. No; on this occasion, when you say this talk about the work was?

Mr. Justice *Blackburn*.] I thought he said it was Mr. Radford who spoke to him.

3637. Mr. *Giffard*.] Who was it that made the observation about the work?—Mr. Radford.

3638. Before Mr. Radford made that observation about the work, did anybody else speak to you about giving your vote?—No; I had not been at home for a long while.

3639. I mean, in the same conversation, you know; who was it that spoke first about getting your vote?—Mr. Rogers.

3640. Just give me his words?—He asked me if I had promised my vote.

3641. Did he say, “Have you promised your vote?”—Yes, “Have you promised your vote?” says he; and I says, “No, I have not.”

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3642. You said, "No, I have not"?—Yes.

3643. What happened next?—He kept on talking.

3644. Do not talk about keeping on talking; that is just what I want to know; what did he say?—He asked if I would let him put it down then.

3645. That is what Mr. Rogers said?—Yes.

3646. Mr. Rogers said, "Will you let me put it down"?—Yes.

3647. But you had not agreed to give your vote?—No, I had not.

3648. What was said next by any one?—He said that Mr. Radford would find me work if I would do so.

3649. Mr. Justice *Blackburn*.] Who said that, Mr. Radford or Mr. Rogers?—Mr. Rogers said if I would do so, Mr. Radford would find me work for a month.

3650. Mr. *Giffard*.] Who spoke next?—He asked me if I would go to Kidderminster in the morning to work.

3651. Who did?—Mr. Radford.

3652. After Mr. Rogers had said Mr. Radford would find you work for a month if you would give your vote, who spoke next?—Mr. Rogers, for him to put my name down.

3653. Mr. Rogers asked you again to have your name put down?—Yes, he said—

3654. Who spoke next; did you answer?—I did.

3655. What did you say?—I said I would rather not—not then—not that night; I would rather let it stop; I would consider of it in the course of a day or two.

3656. Who spoke next?—I believe it was this Mr. Gardener (*pointing to a gentleman close to him*); I believe his name is Gardener.

3657. What did he say?—He said I had better vote for Sir Richard Glass, for he was a very nice man; I told him I could not say what he was, for I did not know nothing about him; he said if I would vote for him, there was a very nice chance for me to go to work, being as I had not had any to do a good while.

3658. Mr. Justice *Blackburn*.] Just repeat that?—He said there was a very nice chance for me; for I had been out of work a good while, and there would be a job for me to go to in the morning.

3659. Mr. *Giffard*.] Did he say you had been out of work a good while?—I told him so.

3660. Where had you told him that you had been out of work for a good while; you have not told us that part of the conversation?—I told him in my house.

3661. Was it in the same conversation?—Yes.

3662. What part of the conversation was it in that you told him you had been out of work a good while?—When he promised me the work, he knew that I had been out of work.

3663. How do you know that he knew that you had been out of work?—Because I had worked for him about eight weeks before then.

3664. I thought you said that he was a stranger to you?—Not Mr. Radford.

3665. I thought you said Mr. Gardener was a stranger to you?—Mr. Gardener, I said, promised me the work.

3666. Mr. Justice *Blackburn*.] Do you mean Mr. Radford, or do you mean Mr. Gardener; was Mr. Gardener present at this talk at all?—Yes, in the house.

3667. He was in the house?—Yes.

3668. Who were the four who were in the house at the time; I understand you to say that there were four; I want to understand you?—Mr. Rogers, Mr. Radford, Mr. Anderson, and Mr. Gardener.

3669. We will call him the anonymous lawyer?—I do not know what he was.

3670. Mr. *Giffard*.] Do not be in a hurry; let us see whether you had made a mistake before. You told me just now that Mr. Gardener spoke to you next, after I had asked you the order of speaking, and that that gentleman had said it would be a good chance for you, because you had been out of work a long time; was that a mistake or not?—Perhaps, because he heard what I had been saying.

3671. One thing at a time; do you mean that that is what Mr. Gardener said?—He stood by, and he heard what Mr. Rogers and me spoke of.

3672. Attend; is it true that Mr. Gardener said to you it would be a good chance for you, because you had been out of work a long time?—He did say so.

3673. There is no mistake about that; it was Mr. Gardener who spoke?—Yes.

3674. Now, we will come back again; how did Mr. Gardener know that you had been out of work for a long time?—Because Mr. Rogers and me had been talking about it, and Mr. Rogers did know.

3675. You did not mention that before; now tell me what had been said about your having been out of work a long time?—Mr. Rogers knew, and Mr. Radford knew; they asked me if I had got any work, and I said I had not got any.

3676. What part of the conversation was that; I wanted you to tell me how it happened, and in the order in which it happened, if you could; do you think you yourself mentioned at all, when you were asked for your vote, that you had been out of work for some time?—Mr. Radford knew it at the time.

3677. Never mind what he knew; I ask whether you think you mentioned it; do you think that you mentioned being out of work when you were asked for your vote?—I did say that I had been out so many weeks.

3678. What did you say about being out of work so many weeks?—(*A pause*.)

3679. What do you say to that question?—Mr. Rogers asked me if I had any work; I said I had not any; he asked how long I had been out, and I told him how many weeks I had been out.

3680. That was how it happened, was it?—Yes.

3681. Was that before or after you were asked for your vote?—It was before he asked me about the vote.

3682. Then it was the first thing that happened, was it, when they spoke to you?—Nearly.

3683. Had you forgotten that when you were first asked questions about this conversation?—No.

3684. How came you not to tell us of it, because I asked who spoke first, and what was said?—(*The Witness remained silent*.)

3685. See if I cannot remind you; did you say anything to this effect, "Them that gives me work has my vote"?—No.

3686. Take care. Just think before you answer

answer that question; you know you did say you had not promised your vote; you did say that, did you not?—Yes.

3687. When you said you had not promised your vote, did you also say, "Them that gives me work has my vote"?—No; I did not say so.

3688. Will you swear you did not say so?—I did not say so.

3689. Do not let us have any misunderstanding; you mean to swear you did not say that, or anything to that effect?—No, I did not.

3690. Who was it first promised you work, Mr. Radford or Mr. Rogers?—Mr. Radford.

3691. What did he say?—That he would give me a month's work.

3692. Was Mr. Radford the first person who mentioned giving you a month's work?—Yes, at that time; yes.

3693. At that time; was there any other time?—No; it was he who mentioned it to me.

3694. Mr. Radford was the first person who mentioned giving you a month's work; are you quite sure of that?—Yes.

3695. Did you not tell me just now, that Mr. Rogers said that Mr. Radford would give you a month's work if you voted?—Mr. Radford promised me the work, and then, when Rogers had asked me several questions, "Come now," he says, "let me put your name down, and Mr. Radford will find you a month's work if you will give your vote."

3696. Let me have no mistake about this; the shorthand writer has got it down; I ask you now, who was it first mentioned your having a month's work?—Mr. Radford.

3697. That you are sure of?—Yes.

3698. Had you spoken to Mr. Radford before this conversation, at all?—No.

3699. Had you mentioned to Mr. Radford at all that you would like work?—No.

3700. Where are Mr. Radford's works?—In Kidderminster.

3701. Had you ever worked there?—Yes.

3702. How long before this?—It might be about 9 or 10 weeks, just for one week.

3703. How long before this conversation took place, had you worked there?—About 10 weeks before that.

3704. Mr. Justice *Blackburn*.] You mean that 10 weeks before this conversation, you had ceased working with him?—One week I worked with him.

3705. You worked for him one week, and that was 10 weeks before this conversation?—Yes.

3706. Mr. *Giffard*.] And from that time to the time this conversation took place, were you out of work?—Yes.

3707. Did you get any work between that time and the time of the election?—I worked perhaps one day in the week, sometimes two days, perhaps two or three weeks I did nothing at all.

3708. Did you get any work, is my question?—Yes, some little.

3709. Where?—I worked a day or two for a person on Hartlebury Common, a blacksmith, and I had done a day or two's work, gardening.

3710. Let me suggest a name to you; did you work for Mr. Baldwin before the election?—No, I did not; I never worked for him.

3711. Where are Mr. Baldwin's works?—In Stourport.

3712. Whose employment are you in now?—Mr. Baldwin's.

3713. How long have you been in Mr. Baldwin's employment?—About eight or nine weeks, I cannot say to a week, or two or three days.

3714. I suppose you have made your statement to some lawyer or another, what you could prove about this question, have you not?—No, not that I know of.

3715. "Not that you know of"! do you mean you have not been to some gentleman to have your statement taken down of what you could prove as a witness?—There was a gentleman over from the other side—(*the Witness paused*).

3716. There is no harm in it, let us have it?—On the other side there was a gentleman this morning, and he asked me.

3717. Do you mean for the first time?—What, sir?

3718. Did you not hear my question?—I am rather thick of hearing.

3719. I will speak louder. When for the first time did you make your statement as to what you could prove?—(*The Witness remained silent for some time.*)

3720. Mr. Justice *Blackburn*.] Do you not understand the question; if so, answer it?—I do not, my lord.

3721. Mr. *Giffard*.] You have told us that you went across to the other side. I suppose the other side of the road; probably to the "George" inn?—Yes.

3722. And there you made your statement to the lawyer, what you could prove; you understand that?—Yes.

3723. Was that the first time you had ever made a statement of what you could prove?—No, I had spoke to Mr. —, I forget the party's name.

3724. Mr. Justice *Blackburn*.] You spoke to Mr. something; whom was it you spoke to?—Mr. Watson.

3725. Mr. *Giffard*.] Who is Mr. Watson?—I believe he is a lawyer at Stourport.

3726. I suppose he is Mr. Lloyd's agent, is not he?—I believe he is.

3727. When did you do that?—Last Friday night.

3728. Was that the first time you made a statement?—Yes.

3729. To anybody?—Yes.

3730. Just tell me this; who put you on Mr. Baldwin's work, about eight or nine weeks ago?—Why, Mr. Baldwin.

3731. Did you tell him anything of what you could prove?—No.

3732. Never?—No.

3733. Nor his manager?—No, nor his manager.

3734. Are you quite sure of that?—Yes.

3735. Did you give away any beer in the "Holly Bush," or any money for beer?—No; I had no money for myself.

3736. Did you give away any money at all, in the "Holly Bush"?—No.

3737. Did you hand any money (I will not say "give," because that might lead to misunderstanding) to the landlord of the "Holly Bush"?—No.

3738. Never?—Not on that occasion; not anything in electioneering; never.

3739. Was it about the same time as the electioneering was going on?—I have gone into the "Holly Bush," and had a small jug of ale; I paid for it; but not anything to do with electioneering.

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3740. Do you remember any sum of 10 s., or something of that kind, that you handed to the landlord of the "Holly Bush"?—No; because I had not got that sum of money.

3741. Never mind about the reason; you did not hand it to him?—I did not.

3742. You swear you did not?—I will.

3743. You are quite sure of that?—Yes; I am sure I did not; I will swear it.

[The Witness withdrew.]

STEPHEN FORT, further Examined.

S. Fort.

Witness.] My Lord, before I give any evidence, I ask for protection from your lordship, for I have been threatened, on coming into the court, again to-day.

Mr. Justice *Blackburn.*] If anyone has threatened you in any way, if that person is brought before me, I will take care that he is properly punished. Meanwhile, I do not see any reason for supposing that any one has cause for alarm at what is going on.

Mr. *Giffard* stated that he should be quite content if the evidence of this witness was resumed at the point where it was left off yesterday.

3744. Mr. *Chandos Leigh* (to the *Witness*).]—You told us about going to Mr. Crowther's office?—Yes.

3745. Did you go then into a room up-stairs?—Yes.

3746. Who were in the room up-stairs?—Mr. Radford and Mr. Joseph Rogers.

3747. And Sir Richard Glass?—And Sir Richard Glass.

3748. Did Sir Richard Glass then ask for your vote?—He asked for—he solicited my vote.

3749. Now, will you tell us, please, what took place then from that time?—I stated to him that my wife wished not for me to have anything to do with the electioneering, because I had expended a deal of money, and we was going down home to see my friends.

3750. Where did your friends live?—At Wilton, three miles from the city of Salisbury.

3751. What happened after you had said that?—Sir Richard Glass said, well he could not do anything himself; but Mr. Radford and Mr. Joseph Rogers said that that should be all right.

3752. Did you then make any comments?—No more than that he solicited my vote.

3753. Did you say whether you would give it him or not?—I did.

3754. You said you would vote for him?—I did.

3755. Did you vote for him?—No, I did not.

3756. Whom did you vote for?—I voted for Mr. Lloyd.

3757. Did you then go down High-street after that?—Yes.

3758. And did you go on your road into a public-house?—Into John Thomas's; I was called by John Thomas.

3759. Into a public-house?—Yes.

3760. What public-house does he keep?—The "Fruiterers' Arms."

3761. What did he do when he called you into the public-house; tell me first, is he the landlord?—Yes; the landlord called me himself.

3762. What did he do or say then?—He says, "Come and have something to drink;" he says, "We shall have some one here presently;" he says, "Sir Richard will be here presently."

3763. Did you go into the public-house?—Yes.

3764. Did you have anything to drink?—Yes; I was there nearly the whole of the day.

3765. You say you had something to drink, what did you have to drink?—Why, several pints of ale.

3766. Did you pay for it?—No, I did not pay anything.

3767. Whilst you were in there drinking the ale, did anybody come in?—After a lapse of time, about half-an hour, Sir Richard Glass and Mr. Joseph Rogers came in.

3768. Where did they go?—Into the front shop.

3769. Do you know a man of the name of Proverts?—Yes, perfectly well.

3770. Is he a voter?—Yes.

3771. Did you see him there?—Yes, he was called from the kitchen into the front shop.

3772. Who called him?—John Thomas took him before Sir Richard Glass.

3773. You were not in the front shop?—No.

3774. Did Mr. Proverts come out of the front shop afterwards?—Yes, he came back into the kitchen.

3775. Is Proverts' Christian name Thomas?—I cannot tell you.

3776. After he came back again from the front shop into the kitchen, did Proverts have anything to eat?—Not as I am aware of, but he had something to drink.

3777. What had he to drink?—Some cider.

3778. Who gave him the cider?—John Thomas.

3779. Did he pay for it?—No.

3780. Do you know the Lion Hotel?—Yes.

3781. Were you there any time about the election?—The day previous to the election I was.

3782. Were you there on the 10th of November?—The day previous to the election I was.

3783. What happened on the day previous to the election?—I was going by there, no, not the "Lion," the "Bell."

3784. I am asking about the "Lion" the day after you were at Thomas's; were you at the "Lion," do you remember?—No, I was not.

3785. Do you remember a Conservative meeting being held; had you any circular about a Conservative meeting?—I had a circular.

3786. Had you any printed thing; did you receive a printed thing?—Yes.

3787. In consequence of that, did you go anywhere?—I went that evening.

3788. Where to?—To the "Lion," the "White Lion Hotel."

3789. Was that before the election?—It was the week previous—before the election.

3790. When you got there did you find any people there?—Yes.

3791. Can you say how many, about?—Before the meeting was over there was from 60 to 70; I would rather say under than over.

3792. Were there any speeches made there?—Yes, there was speaking; there was a man of the name

name of Pawtrey that got up and spoke respecting Mr. Bright.

3793. Do you know John Taylor?—Yes.

3794. Did you see him there?—Yes, he was there.

3795. Who took the chair?—He was reckoned to be chairman of the Working Men's Association.

3796. I asked who took the chair?—Well, I cannot say for certain who took the chair.

3797. Did Mr. Taylor speak?—Yes.

3798. You said just now that he was reckoned to be chairman of the Working Men's Association?—Yes.

3799. Are you a member of that association yourself?—Well, I was initiated as a member, but I did not pay anything.

3800. Were you initiated as a member of the Working Men's Association?—Yes.

3801. Who by?—Mr. Radford paid my initiation money.

3802. As a member of that association, do you know of your own knowledge who is the chairman of it?—Mr. Taylor.

3803. Do you know Mr. Rogers?—Yes, perfectly well.

3804. Was he there then?—Yes, and Mr. Radford.

3805. Mr. Justice *Blackburn*.] You mean at the "Lion," I suppose?—Yes.

3806. Mr. *Chandos Leigh*.] Which Mr. Rogers, John or Joseph?—John, no, Joseph, Mr. Joseph Rogers.

3807. Look at that gentleman sitting next to you (*pointing to a gentleman*), is that the gentleman?—Yes, that is the gentleman I mean.

3808. Was anything said about the election then?—It was discussed over in different ways.

3809. Were you spoken to about it?—Well, during the evening I was; they was glad to see me there.

3810. Were you asked about your vote?—Not there I was not.

3811. Who asked you, who said they were glad to see you there?—Mr. Rogers here (*pointing him out*).

3812. Was there anything to drink at the meeting?—Yes.

3813. What?—Why, there was sufficient ale for us during the evening.

3814. Who ordered the ale?—Well, I cannot say who ordered the ale.

3815. Was it ordered by the people in the room, or was it brought in for the use of the company?—It was brought in by the waiters, they brought it round to every man; every man was served with his pint of ale.

3816. Did you see any of the people pay?—No, I did not.

3817. Were you served with a pint of ale?—Yes.

3818. Did you pay for it?—No, I did not.

3819. Before the meeting finished, did Mr. Radford leave?—Yes; no, at the close of the meeting, both Mr. Radford and Mr. Rogers left together.

3820. Had you any ale after that?—The finishing up of the ale that was left in the can, no more than that.

3821. Do you know James's public-house?—Yes.

3822. Were you there any time about the election?—The day previous to the election—on the Monday.

3823. The nomination day, November 16th, the day previous to the polling?—Yes.

3824. What is the sign of James's public-house?—It is the "Railway Tavern," I think.

3825. Is it kept by a man of the name of James?—Yes.

3826. Were you going with your wife towards the railway station on that day?—Yes; we were going for a walk.

3827. About 12 o'clock of the day?—Yes, about 12 o'clock of the day.

3828. You say you were in James's public-house, did you go there of your own accord?—No, as me and my wife was going towards Kidderminster for a walk, Mr. Jeff, Mr. Taylor, and Luke Price, came out and invited us in, and my wife said, "I will take good care you are not going to drug my man; where he goes," she says, "I will go."

3829. Is that John Taylor?—I do not know his Christian name.

3830. Is he the man you spoke of before, as the chairman of the association?—Yes.

3831. Did you see Thomas Radford at that time?—Yes, he came out of the public-house, and walked down Worcester-street.

3832. And a man called Coley?—Yes, Coley was there.

3833. And other people?—Other people besides.

3834. You were telling us about your wife then?—Yes.

3835. Did you then, upon your wife making that speech, both go into the public-house?—We both went in together.

3836. Did you have anything to drink?—Yes.

3837. Did you order the drink, or did anybody offer to treat you?—Taylor says, "What will you have to drink," and, as the other parties was a drinking of grog, I says, "I will take a glass of rum," and so I had a glass of rum-and-water.

3838. Did you pay for the rum-and-water?—No.

3839. Who paid for it?—A person of the name of Lloyd.

3840. Was he in the house at the same time as Price and Taylor, and the other people you have mentioned?—Yes, the whole of the time.

3841. How many glasses had you, more than one?—Three.

3842. And who paid for the other glasses?—Why, Lloyd paid for the whole of them, but Taylor gave the orders for them. Taylor gave the orders for them, but Mr. Lloyd paid for them.

3843. You say the others were drinking spirits and water; who were the others, were they those whose names you have mentioned, or were there other people besides?—There was several; a person of the name of Lloyd, Taylor, myself and my wife, and a man of the name of Proverts.

3844. Were they all drinking spirits and water?—Yes; but what sort of spirits they were drinking I cannot say.

3845. Did you see anybody pay for what they were drinking?—Mr. Lloyd paid for it.

3846. For the company?—For the company at large.

3847. Who is Mr. Lloyd?—He is commonly called Tommer Lloyd, but I believe his name is Thomas Lloyd.

3848. The same name as Mr. Thomas Lloyd, the

S. Fort.

21 January 1869.

S. Fort.

21 January
1869.

the candidate, but not the same person?—
Oh, no.

3849. Whilst you were in this public-house, did you go into the back part of it, the back premises?—Yes.

3850. Did anybody come after you?—Taylor.

3851. Did Taylor do anything?—He put half-a-sovereign into my hand, and he says, "Will you vote for Sir Richard Glass, to-morrow?" I says, "I shall not be far behind you."

3852. Mr. Justice *Blackburn.*] Will you repeat that again?—He says, "Will you vote for Sir Richard Glass, to-morrow," and by that he puts a half-sovereign into my hand.

3853. And you added that you said or did something, as I understand you?—I says, "I shall not be far behind you."

3854. Did you take and keep the half-sovereign?—Yes, I kept the half-sovereign.

3855. Mr. *Chandos Leigh.*] Did you give the half-sovereign to anybody?—To my wife, directly as I came out.

3856. Now, before this half-sovereign, as you say, was given you, what had you in your pocket?—I might have had 1s. 6d. or 2s. in my pocket, no more than 2s. I cannot speak to the exact amount.

3857. You say your wife and yourself went home together afterwards; going home, what happened?—As we were going home, we were called by a person unknown to me into the "Bell," and I called for a pint of ale there, and paid for it; and while we was drinking that pint of ale, Mr. Green says to me—

3858. Stop. Tell us who is Mr. Green?—The landlord of the "Bell."

3859. What did Green say to you?—Who are you going to vote for?—I said, "Well, I have promised Sir Richard Glass," and by that he asked me to have something to eat, to go in to dinner; and my wife said, there was a good dinner provided at home.

3860. Is he Joseph Green?—Yes; Joseph Green.

3861. Of Lion-hill?—Yes.

3862. Did you see Taylor again after this?—No, not after that, not till the next day; not till the election day.

3863. The day of the poll?—Yes, the polling day.

3864. Did he speak to you then?—He came to my house, him and Mr. Jeff.

3865. What happened there?—He says, "Now Fort," he says, "what did I ask you yesterday," and I says, "I am going to vote for Mr. Lloyd;" and by that him and Mr. Jeff walks away.

Cross-examined by Mr. *Giffard.*

3866. You said, I think, that you had become a member of this association?—Yes.

3867. When was that; about when, you know; I do not ask you for a day, or even a week; about when?—The Saturday previous to the demonstration.

3868. Mr. Justice *Blackburn.*] Do you mean, by the demonstration, your going to the "Lion"?—No; the demonstration that was given in Mr. Roger's fields.

3869. Mr. *Giffard.*] I want a date?—About the 29th of August.

3870. I presume you were aware that it was an association which was called "The Conservative and Constitutional Association"?—Yes.

3871. You said the inauguration money, I think, was paid by Mr. Radford?—Yes.

3872. What was that?—Sixpence.

3873. As you consented to become a member, I presume your principles were Conservative and constitutional?—They was partly at that time.

3874. Do you remember about three weeks before the election calling on Mr. Radford?—Yes.

3875. One Saturday night about nine o'clock?—Yes.

3876. Did you say to him, "Oh! Mr. Radford, I thought I would just call to see you as you have not been to see me; I want to let you know I shall vote for Sir Richard"?—Those were not the words; I was invited by a person and waylated (waylaid) the Monday before on purpose, and taken to Mr. Radford's by a man of the name of Daniel Boham.

3877. We will come to that; in the meantime, tell me what you said to Mr. Radford?—I said, "Do you want to see me," and he said, "Yes, I want to know whether you will vote for Sir Richard Glass or not."

3878. Is it true that you said you were going to vote for Sir Richard?—I said, "Yes."

3879. Did he say he was pleased to hear it?—Yes.

3880. Did you say that you were a Wesleyan, and you would oppose the disestablishment of the Irish Church; did you say so; it is very easy to answer yes or no?—I will tell you what I said.

3881. Did you say that first, and tell me anything you like after?—No; I did not say that.

3882. Did you say you were a Wesleyan?—I did not.

3883. Did you say you would oppose the disestablishment of the Irish Church?—Yes; I said I did not approve of the principles of the present Established Church.

3884. That you did not approve of the principles of the present Established Church; did you give that as a reason for voting for Sir Richard; now then, Mr. Fort, just go on a little faster; what did you say?—I spoke of Martin Luther; I went back to Martin Luther, and Ridley, Latimer, and Cranmer; I spoke of them, and I said if the disestablishment of the Irish Church was done away with, I think it would be a very bad thing for England.

3885. There is a certain confusion of ideas there; do you mean that you said that if the Irish Church was done away with, it would be a bad thing for England?—Yes.

3886. Did you say that your sons had been brought forward in the world by members of the Church of England, and you felt very much indebted to them for it?—I did.

3887. And did you give those as reasons for voting for Sir Richard Glass?—I did.

3888. Now tell me (unless you want to explain anything which took place then) what exactly passed between you and Sir Richard Glass, when you met in Mr. Crowther's office?—Sir Richard solicited my vote.

3889. He did not say "I solicit," I suppose; what were his words?—He asked me—

3890. What did he say?—I cannot say what he did say; he spoke of his politicians.

3891. What did he say about his politicians?—The Government of Lord Derby.

3892. And

3892. And I suppose he praised the Government of Lord Derby?—Yes.

3893. What said you?—I told him in reply; I says, "Well, I have been expending of a deal of money, and my wife wishes me not to have anything at all to do with it."

3894. He praised Lord Derby and his administration, and you said you had been expending a great deal of money, and your wife did not wish you to have anything at all to do with it; is that what happened; do not let me misrepresent you?—He says, "Well, I cannot do anything myself"; but Mr. Rogers and Mr. Radford were there; Sir Richard said, "I cannot do anything myself"; Mr. Radford and Mr. Rogers says, "We will make that all right." They are both here sitting at the table.

3895. I want to know, when you were with Sir Richard Glass, and he was talking about Lord Derby, and so on, whether you mentioned to Sir Richard Glass what you had been talking about to Mr. Radford before, about the Irish Church, and Luther, and Cranmer, and Ridley?—It was not brought forward before Sir Richard.

3896. You did not speak about it at all, do you mean?—I said, "Me and my family have received a great boon from it."

3897. From what?—The Established Church.

3898. That is what you said to Sir Richard?—Yes.

3899. You told Sir Richard that you and your family had received a great boon from the Established Church?—Yes.

3900. How came you to say that?—Why, Sir Richard stating of his questions to me.

3901. That is the only explanation you give of that, is it?—Yes.

3902. Now, then, tell me, you say you told Sir Richard that you had been spending a great deal of money; was that true?—Yes.

3903. It was true, was it?—Yes; expending and loss of time.

3904. One thing at a time; you said you told Sir Richard that you had been spending a great deal of money; was that true?—Yes.

3905. What money had you spent?—The money that I had put by for to go down and see my relatives.

3906. First of all, what was the amount of it?—Well, getting on for 2*l*.

3907. How had you spent the money?—Why, going about in different places.

3908. But what had Sir Richard Glass got to do with your spending money going about to different places; do you mean you had been spending money in any unlawful manner?—Oh, no; nothing at all to do with that.

3909. Then, tell me what you meant; I do not understand, when Sir Richard Glass talked about Lord Derby's Government, what that had got to do with your spending about 2*l*.?—Well, the loss of time.

3910. One thing at a time; I want to know about the 2*l*.?—Of course when you lose your time, and you are about at different public-houses, you are spending your money.

3911. Do you mean, then, that you had spent his 2*l*. at different public houses?—Well, nearly.

3912. How came you to spend the 2*l*. at different public houses?—Why, for refreshment.

3913. For refreshment for yourself?—Yes.

3914. Entirely for refreshment for yourself?—Entirely for refreshment for myself.

9.

3915. Not for other people?—Not for other people; I never treated any one at all.

3916. That does not seem an explanation, because if you refreshed yourself to the extent of 2*l*., one does not see what Sir Richard Glass had got to do with that; can you explain how you came to mention the spending of this money?—Yes; because it was only about a week previous to the election that I was called and brought forward before Sir Richard, and the electioneering had been going on for such a long period of time.

3917. Do you mean, then, that you had spent this 2*l*. in electioneering?—Yes.

3918. You mean that you had spent it in electioneering?—I had; there was the time and money that I had spent during the beginning of the election up to the time that I was solicited by Sir Richard; I had spent that money.

3919. In refreshment for yourself?—Yes.

3920. That is the only explanation you can give me about the 2*l*.?—Yes.

3921. Now, can you tell me this; you said something about the loss of time; what time had you lost?—Well, I cannot tell you exactly, for—

3922. What had you been doing to cause this loss of time; had you been electioneering?—I had been agitated by one and the other; drawn out by one and the other.

3923. How did the agitation cause you to lose your time?—Why, the same as all electioneering does.

3924. How does it cause you to lose your time?—Through agitation.

3925. Were you agitating?—Of course.

3926. Of course you were agitating?—Yes; we were all interested.

3927. I want to know what you mean by agitation; how did you agitate?—We are interested in a cause that we are for or against.

3928. What did you do?—What did I do! I spoke.

3929. Did you make speeches?—I did.

3930. I do not object to it; which way did you make speeches?—I spoke, as I informed you before, respecting Martin Luther.

3931. You spoke about Martin Luther, and you agitated on the Conservative side, and you were a member of the Conservative Association, and you got half a sovereign to vote for Glass, and you voted for Lloyd?—Yes.

3932. When did you change your mind; how came you to change your mind?—I will tell you for why; I had an interview with my son, that is a member of the Established Church, and he says to me, "Father, if you will explain your mind, I will give you my ideas respecting of it."

3933. When was that?—That was when I went down to Liverpool to see him.

3934. When was that?—Some time in October.

3935. Was it before or after you got the 10*s*.?—Before; but I was not regular decided.

3936. May I ask you this; ultimately, when you did vote for Mr. Lloyd, you did it I suppose, entirely on conscientious and religious grounds?—I did it for this—

3937. Just answer that question first?—I thought—

3938. Answer that question first; did you vote for Mr. Lloyd on religious and conscientious grounds?—I did.

3939. Upon what grounds did you take the 10*s*.?—Upon what grounds! I did not take it at all; it was pushed into my hand however.

13

3940. And

S. Fort.

21 January
1869.

- S. Fort.* 3940. And then you gave it to your wife?—
 Yes.
 21 January 1863. 3941. Just tell me what time of the day, about, was it that this interview took place when the half-sovereign you say was pushed into your hands?—About 11 o'clock.
 3942. In the forenoon?—In the forenoon.
 3943. How long do you suppose you were at the house where it took place altogether?—About an hour.
 3944. I am not quite certain whether you told me what day it was that this happened to you?—The day previous to the election.
 3945. The nomination day?—Yes.

Re-examined by Mr. Chandos Leigh.

3946. You said something about a demonstration in Roger's field?—Yes.
 3947. Were you present at the demonstration?—No; I was not.
 3948. Had you a ticket sent you for it?—

Mr. Giffard objected to the question as

not arising out of the cross-examination; the demonstration having only been mentioned incidentally.

Mr. Justice Blackburn was of opinion that the question was inadmissible.

3949. Mr. Chandos Leigh (to the Witness). You say your son converted you, and that you voted according to conscientious motives?—

3950. Mr. Giffard.] You did not say that quite?—No.

3951. Mr. Chandos Leigh.] Had that son who had had a good education been in Ireland?—Yes.

3952. You say you spent the 2*l.* in electioneering?—Yes; or near on it.

3953. How long were you electioneering?—Two months, I suppose.

3954. And how did the 2*l.* go?—By bits and drabs; the same as money does go.

3955. At public-houses?—Yes.

3956. For eating?—No; drinking.

[The Witness withdrew.]

JANE FORT, sworn; Examined by Mr. Sturge.

- J. Fort.* 3957. ARE you the wife of Stephen Fort?—
 Yes.
 3958. Do you remember going with your husband towards the railway station at Stourport on the day before the election, the day before the polling-day?—Yes.
 3959. What day was that?—On the Tuesday, the polling was; it was on the Monday as I was with him.
 3960. How long before the election?—One day.
 3961. The day before?—Yes.
 3962. As you were going along, was your husband called in anywhere?—Yes; we were called in as we were by James's public-house.
 3963. When were you called?—At James's "Railway Tavern."
 3964. Mr. Justice Blackburn.] You were going along with your husband, and then something happened?—We was called by a person at James's "Railway Tavern."
 3965. Mr. Sturge.] Do you know what money your husband had when you went in there?—He had a few shillings, I believe, in his pocket, as far as I could speak.
 3966. Had he any gold?—No, I am quite sure of that.
 3967. Did you go into the "Railway Tavern"?—Yes, I did.
 3968. While you were there, did your husband go out of the room?—Yes, the back way.
 3969. Did he go out alone, or was any one with him?—A person of the name of Taylor was with him; I saw them pass through.
 3970. Did you see your husband afterwards?—Yes; he came back into the room.
 3971. Did you then go away together?—He finished his glass as he had, and he had, after, another glass or two of brandy and water or rum and water, or whatever it was.
 3972. And after that, did you go home?—Yes, we went on our way for home.
 3973. After you got outside, what happened then?—After we got outside, he showed me half a sovereign.
 3974. Did you go to this demonstration we have heard of?—Yes.

3975. Where was it?—Over at Mr. Rogers's over the bridge.

3976. What Mr. Rogers is that?—I do not know what they call him.

3977. Is that the gentleman (pointing to a gentleman on the opposite side of the table)?—Yes, that is the gentleman.

3978. Mr. Justice Blackburn.] When was this?—I could not recollect.

3979. Mr. Sturge.] In what month was it?—I could not recollect the month at all.

3980. Was it in the summer time?—In the summer.

3981. How many people were there?—I could not say.

3982. About?—A great many.

3983. Mr. Justice Blackburn.] What is the period you are now speaking about; is it a time in May, June, July, or August?—

3984. Mr. Sturge.] Do you remember at all what month it was?—No, I do not.

3985. Do you know when Sir Richard Glass first came down here?—No; I have no recollection of that, not when he did come down here.

3986. Before you had been to this demonstration, had you seen Sir Richard Glass?—Yes; I saw him once before that.

3987. Where?—I saw him when he came to my house; he called at my house at one time.

3988. How many people do you say there were at this demonstration?—I could not say the number.

Mr. Giffard stated that the demonstration was on the 5th of September.

3989. Mr. Sturge.] Can you say how many people were there?—No.

3990. One hundred, do you think?—Yes, more than that.

3991. Two hundred?—Yes, I should think more than that.

3992. Were there 500 people, do you think?—There might be that number there.

3993. Were there tents there?—Yes.

3994. And music?—Yes.

3995. Was there anything to eat?—We partook of bread and butter, cakes, and tea.

3996. Was

3996. Was there any beer there?—Yes, and porter.

3997. Were speeches made?—Yes.

3998. Who made speeches?—I could not say who the gentlemen was; I was rather hard of hearing that; I did not go to pay any attention to that.

3999. Do you know Sir Richard Glass by sight?—Yes.

4000. Was he there?—I did not go near where he was; I was outside.

4001. Did you see him there?—I could not say that I did.

4002. How long did you stop there?—We stopped for our tea.

4003. And you say you know John Taylor?—Yes.

4004. Was he there?—I did not see him.

Cross-examined by Mr. Giffard.

4005. One word about this demonstration; was there a party from Kidderminster that came over?—Yes.

4006. On the nomination day, the day before the polling, on the Monday, what time was it you were with your husband at the “Railway Inn”?—Between 12 and one.

4007. What time do you usually have your dinner?—One o’clock.

4008. Where were you going when you went into the “Railway Inn”?—We were going for a walk.

4009. How came you to go inside?—There was three young men as stood outside, and they asked him to go in to have something to drink.

4010. Asked who to go in and have something to drink?—My husband; and I told him where he went I should go too.

4011. Did you go in and have something to drink?—I went inside, but I did not take anything to drink.

4012. Did you sit with your husband?—Yes; I was in the room with him.

4013. What did they talk about?—They was talking over the election.

4014. Do you remember your husband saying anything about this: that he was going to vote for Sir Richard Glass?—That was what they was passing.

4015. You do not answer my question; do you remember your husband saying anything about his going to vote for Sir Richard Glass?—From the way in which they put it to him, I never heard them pass what he was going to do.

4016. You were in the room with him?—Yes, I was on one side of the room.

4017. Attend; did you hear your husband say anything about his going to vote for Sir Richard Glass?—Not at that time.

4018. You did not hear him say one way or the other, whether he would or not?—I did not hear him say one way or the other; not at that time.

4019. Did he say anything about it?—No, not as I heard.

4020. I am speaking of what you heard when you were sitting at the same table; did you hear anyone ask him to vote for Sir Richard Glass?—No, I did not hear anyone ask him.

4021. How do you know what money your husband had in his pocket?—I am quite sure that he had no gold with him before he left home.

9.

4022. That is not my question; you said you thought he had 2s.; how do you know that?—Well, it is a thing I very often does, to see in the morning whether he has any money by him.

4023. You have not yet answered my question; you say it is a thing you very often do?—Yes, I very often do so.

4024. How did you know on that day what he had in his pocket?—I know he had some silver.

4025. How did you know?—By what I saw.

4026. How did you see it?—I saw in the morning before he left home that he had some silver.

4027. How did you see it?—I had seen it in his small clothes.

4028. Did you see him put it in, or did you look at it yourself after it was in?—I looked at it before it was in.

4029. Where was it before it was in his pocket?—In the room where I was; I had it myself.

4030. Where had you it?—In the room.

4031. Where?—In the bed-room.

4032. That is very likely; I ask where?—In my own bed-room.

4033. Whereabouts in the bed-room?—Well, by my bedside.

4034. Whereabouts by your bedside; do you mean on the bed, or on the floor, or what; come tell us where you saw it; there is no mystery about it?—I have told you by the side of his bed.

4035. On the floor?—No, not on the floor.

4036. Where?—In the small clothes.

4037. You told me you saw it before it got into the small clothes, and you saw it beside the bed; what I want to know is where you saw it; where did you see it?—I saw it when I took it out, and I saw it when I put it back again; I saw it as I put it back again after I had taken it out to see that he had it.

4038. What you mean is, that you put your hand in the small clothes; you took it out, and then put it back again, and then supposed he had no money but what he had in the small clothes?—I do not think he had.

4039. As you put it back, you can tell what it was?—I think, as near as I can speak, it was 2s.

4040. Do you remember what coin it was in?—In silver; no copper at all.

4041. What coin was it; was it in one 2s. piece?—No, in two separate shillings.

4042. That is the reason you supposed your husband had no more?—Yes, that is why I suppose he had no more.

4043. After your husband had shown you the half-sovereign, what did he do with it?—He gave it me, and told me that that was what he had had given to him by Taylor.

4044. What did you do with it?—I took it home.

4045. What did you do with it then?—I took it to the shop which I generally use.

4046. What shop was that?—Stanley’s in High-street.

4047. What is Stanley?—A grocer; Mrs. Stanley it is.

4048. When did you take it to Mrs. Stanley?—The next day.

4049. That would be the polling day?—Yes.

4050. What did you do with it when you got to Mrs. Stanley’s?—Pay for the grocery I had received.

4051. And you spent it?—Yes.

14

4052. Then

J. Fort.

21 January
1869.

J. Fort.
21 January
1869.

4052. Then when you took it and kept it, it was not to keep and show to anybody, it was to spend?—No, he gave it to me; and I thought it was proper to make use of it.

4053. Did he tell you it was for his vote?—He told me he had it given him by that young man Taylor.

4054. For his vote?—For his vote.

4055. Were you very much shocked?—Me!

4056. Yes?—Sometimes I am short, I do not say I am not short sometimes, as well as other people.

4057. Did you think it was very wrong to take it?—No, I did not think it any harm; not at all.

4058. You did not remonstrate with your husband of course, for taking money for his vote; if you did not think it was any harm you did not say anything against his taking 10 s. for his vote?—I thought no harm of it myself.

4059. Did you know he had promised to vote for Sir Richard Glass?—He said he had promised him; he said at our house he should do so, but Mr. Lloyd, he said, he should give his vote to from the first.

4060. From the first he said he should give his vote to Mr. Lloyd?—From the first he said he should give his vote to Mr. Lloyd, and that was my wish that he should give his vote to Mr. Lloyd; that was my wish from the first.

4061. Your wish is very important at home, no doubt, but what I asked was, what your husband said; what I understand is, that your husband said from the first, that he would vote for Mr. Lloyd?—Yes.

4062. What do you mean by from the first; as early as the demonstration you spoke of?—When we went to the tea party, I certainly went there, but I did not think any harm of it.

4063. Will you attend; I ask about the time; was it as early as the time you went to the demonstration, that your husband had said that he would vote for Mr. Lloyd?—From the very first, I told him I hoped if he could, he would vote for the one he wanted to.

4064. And that was from the very first, Mr. Lloyd?—Yes.

4065. Had he spoken to you about voting for Mr. Lloyd as early as the time you went to this demonstration, which we agree is the 5th of September?—(*The Witness remained silent for some time.*)

4066. Mr. Justice Blackburn.] What do you say; had he said it as early as that or not?—I could not say whether it was as early as that or not.

4067. Mr. Giffard.] I thought you said "from the very first"?—From the first he said he should vote for Mr. Lloyd; I told him I should wish him to do so.

4068. Do you happen to know whether your husband was at the "Swan" on the nomination day?—Yes; he was in front of the "Swan."

4069. What was he doing at the front of the "Swan"?—The words he said at the front of the "Swan," I could not say; but I was with him at the front of the "Swan."

4070. I want to know what you and your husband were doing in front of the "Swan" on the nomination day?—On the day when Mr. Lloyd was up and spoke, he got into the front there with him and spoke, but I was not near enough to hear what he said.

4071. Who; your husband?—Yes; because

he left me at the time Mr. Lloyd was up and speaking.

4072. That was a meeting of Mr. Lloyd's?—Yes.

4073. And your husband went there?—Yes, he went there.

4074. About what time was it?—Some time late in the evening, after the polling day.

4075. Were you inside the "Swan"?—No; I was outside, on the further side.

4076. But were you inside at all?—No, not then; I have been inside.

4077. I mean then, you know. How long did the meeting last?—I could not say how long.

4078. How long were you there?—I should say half-an-hour.

4079. Was your husband there longer than you?—Yes; longer than me; I came home before him.

4080. What time did he come home that night?—I could not say the time.

4081. About what time; cannot you tell me about what time your husband came home that night?—No.

4082. Did he come home that night?—Yes.

4083. Then you can tell me about the time?—No; for I never noticed the time.

4084. About?—It was some time before 10 or 11, I think, when he came in.

4085. What time did you leave the "Swan"?—I was home before it was dark.

4086. What time did you leave the "Swan" is my question?—I was home before it was dark, I tell you.

4087. What time did you leave the "Swan," will you answer my question?—I could not say exactly the time.

4088. I do not ask you exactly; I will not ask you to an hour; what time did you leave the "Swan"?—I left home before it was dark, you know.

4089. Twelve o'clock in the day would be before it was dark?—Before eight o'clock, I believe, as near as I can speak.

4090. About what time did you get there?—It was some time after I took my tea; but I could not say exactly the time.

4091. What time do you take your tea?—Four o'clock.

4092. That is the nearest that you can give me, between four and eight?—Yes.

4093. Did you go with your husband to the "Swan"?—No, he was there before I got there.

4094. How came you to know he was at the "Swan"?—A person told me that he was there.

4095. What person?—A neighbour of mine.

4096. What was his name?—Henry Mabel.

4097. He told you that your husband was at the "Swan"?—His wife told me.

4098. And how came you to go to him?—I was like many more; I went to hear what I could; I went up the road to hear what he said, and to hear Mr. Lloyd speak.

4099. I thought you told me you did not go and hear Mr. Lloyd speak?—I heard a part of what was said.

4100. I understood you to say you did not go to hear Mr. Lloyd speak, that you stood out and did not go to hear Mr. Lloyd speak at all?—Not inside the house; Mr. Lloyd stood on the front of the house to speak.

4101. Is it the fact that you did not go to hear

hear Mr. Lloyd speak?—Yes, I heard him speak outside.

4102. Is there a balcony at the “Swan”?—Yes.

4103. And Mr. Lloyd suppose?—Yes.

4104. Was your husband listening to Mr. Lloyd speaking, when you saw him?—The last I saw of him he was.

4105. Pray, did you speak to your husband from the time you got there to the time you left?—Yes, I spoke to him, and wished him to stop with me, but he would not stay with me.

4106. You did speak to him?—Yes.

4107. Have you been in court while your husband was giving his evidence?—Not to-day.

4108. Are you sure of that?—I am quite sure; you can ask the police at the bottom of the stairs; the police will tell you at the bottom of the stairs that I was not in the room.

Re-examined by Mr. *Chandos Leigh*.

4109. You were asked about searching your husband's smallclothes; where were the smallclothes when you searched them?—On his bed.

4110. Did you search them more at election time than at other times?—Not at one particular time; I am in the habit of doing so when I can get the chance.

4111. You were also asked about a party going from Kidderminster to this demonstration; do you know if a party went from Bewdley; a procession?—I cannot say that I saw any one go from Bewdley, but I saw some from Kidderminster.

4112. Mr. *Giffard (by permission)*.] Did you go to Lick-hill, to Sir Richard Glass, to ask for money?—No.

4113. Never?—I never asked for money.

4114. Did you go to Lick-hill?—No.

4115. Never?—No.

4116. Mr. Justice *Blackburn*.] Did you go to Lick-hill at all, whether to ask for money or not?—Where might you call Lick-hill, if you please? I do not know.

4117. Mr. *Giffard*.] Do you mean to swear you do not know where Lick-hill is?—Yes, I have been in the port now very near 10 years, and I do not know.

4118. You have heard of such a place?—Yes.

4119. But you do not know where it is?—No.

4120. Have you no notion?—No.

4121. Have you ever been to the place where Sir Richard Glass lives, whatever its name is?—No, not that I know of.

4122. Do you mean to swear that you cannot tell whether you have been to Sir Richard Glass's place, where he was living during this election time or not; just answer the question?—I do not know.

4123. You do not know?—No; I do not know.

4124. Do you know where Mr. Craven used to live?—Yes, I know where the farm was.

4125. Did you go during the time that Sir Richard Glass was in the neighbourhood, to Mr. Craven's house?—No.

4126. Did you go past Mr. Craven's house; I am told it is not the same house; did you go past Mr. Craven's house, to where Sir Richard Glass was living?—No.

4127. There can be no doubt about this. Did you apply to Sir Richard Glass for money, and state that you were very poorly off, and that you had a daughter who was starving?—No, I did not.

4128. Nothing of that sort happened?—Nothing of that sort happened to me.

4129. Did you speak to Sir Richard Glass at all about anything?—No, about no money at all.

4130. About anything?—No.

4131. You never spoke to Sir Richard Glass at all?—No, not upon that point, I never did.

4132. Did you speak to him at all?—He spoke to me at my door, to ask if my husband should vote for him, that is all.

4133. Is that the only time you spoke to him?—That is all.

Re-examined by Mr. *Chandos Leigh*.

4134. When was that that you spoke to Sir Richard Glass?—When he called for the vote.

4135. When was that?—Some time in the morning before the dinner-time. I told him he would see my husband at one o'clock at his dinner.

4136. That was the only time you spoke to him?—That was the only time.

[The Witness withdrew.]

Adjourned to To-morrow, at 10 o'clock.

J. Fort.

21 January
1869.

Friday, 22nd January 1869.

22 January
1869.

Mr. Fitzjames Stephen stated that further inquiry had been made with reference to the case of alleged bribery of Smetham; and that the Petitioner was satisfied that what was given to Smetham was given as charity, and not in respect of his vote, and wished to withdraw that case.

JOHN MILWARD, sworn; Examined by Mr. Sturge.

J. Milward.

4137. Do you live at Stourport?—Yes.
4138. What are you?—A rug weaver.
4139. Are you a voter?—Yes.
4140. How did you vote?—For Mr. Lloyd.
4141. Before the election, did anybody come to you and ask you for your vote?—The first man that came to me was Mr. Rogers and three or four more gentlemen.
4142. Who were the other gentlemen?—Well, Mr. Glass was one, but I do know none of the others' names.
4143. Did Mr. Rogers say anything to you?—He asked me if I had promised my vote.
4144. Had any of them a book?—Mr. Glass had a book with some writing on; I think it was the voters' names. He referred to it by my side.
4145. Did you see anybody make any mark in the book?—No.

Mr. Giffard stated that he would admit that the Respondent did go round in the way that had been described, accompanied by Mr. Radford and Mr. Rogers, but that he did not wish to prevent the other side from proving, if they could, that there was canvassing by Mr. Radford or Mr. Rogers in the presence of the Respondent.

4146. Mr. Sturge (to the Witness).] Do you know Mr. Danks?—Yes.
4147. Have you ever seen him with Sir Richard Glass?—I have seen him.
4148. Did they come to your house, Sir Richard Glass and Mr. Danks?—No, Mr. Danks did not.
4149. What have you seen them doing?—I have never seen Mr. Danks canvassing, but I have seen Mr. Danks once or twice with the party; Sir Richard Glass, Mr. Rogers, and several others, and a clerk.
4150. What were the party doing?—Going from house to house, the same as they came to mine.
4151. Canvassing?—I never stopped to see whether they asked for any particular votes or not.

Mr. THOMAS, RICKABY sworn; Examined by Mr. Chandos Leigh.

Mr.
T. Rickaby.

4165. WHAT are you?—I am a veterinary surgeon.
4166. Where do you live?—In Bewdley.
4167. Have you seen Sir Richard Glass about Bewdley?—Yes; several times.
4168. Do you remember when you first saw him?—Yes.
4169. When?—The day after he came to Bewdley; the night after he came to Bewdley.
4170. The 7th of July?—Yes.
4171. Where was he?—I saw him opposite Mr. Pardoe's house.

Cross-examined by Mr. Giffard.

4152. How many times have you seen Mr. Danks?—Two or three times I might have seen him.
4153. With the party, as you call it?—Yes, the Tory party; we said the Tory party were out.
4154. You have seen Mr. Danks two or three times?—Yes, I have seen Mr. Danks two or three times, it might have been; I did not take that particular notice.
4155. Do you mean that on each occasion when you did see Mr. Danks, whether it was two or three times, Sir Richard Glass was with him?—Yes, and Mr. Rogers here (*pointing to a gentleman beside him*), and this young man (*pointing to another gentleman at the table*), and so on.
4156. You were canvassed for your vote, you say?—Yes.
4157. What answer did you make?—I said I did not know Mr. Glass when I was asked first, and then he said, "Here is the man, then."
4158. Did you say that if you were to promise your vote you would have no peace at your work?—Yes, I did say so, or something like that. I said I worked with Liberals, all Liberals.

Re-examined by Mr. Chandos Leigh.

4159. You say somebody said, "Here is the man"; who was it said, "Here is the man"?—This gentleman.
4160. Mr. Joseph Rogers?—Yes.
4161. You have pointed to a gentleman next to Mr. Rogers?—He was with them when they came to my house.
4162. What is his name?—George Andrews, or Anderson, I do not know which.
4163. George Anderson?—Yes; I believe it is.
4164. Mr. Crowther, Lawyer Crowther's clerk?—Yes; I believe it is.

[The Witness withdrew.]

4176. Whilst

Mr.
T. Rickaby.
22 January
1869.

4176. Whilst that party were there, did any one of them speak to you?—Yes; I was passing by with my father, and Mr. Nicholas came and spoke to me.

4177. What did he say to you?—He asked me if I had a vote, and I told him that I had not then, but I expected to have one, and that I had promised it to Mr. Hemming; and he said, “Well, if anything happens to Mr. Hemming, perhaps you will give it to Sir Richard Glass;” I did not promise that.

4178. Mr. Justice *Blackburn.*] I thought you said that when Mr. Nicholas asked if you had a vote, you said you had not got a vote, but you expected to have one, and had promised to give it to Mr. Hemming?—Yes.

4179. You were then proceeding to say something more; will you repeat that again?—Mr. Nicholas said, if anything should happen to Mr. Hemming, would I think of Sir Richard.

4180. Mr. *Chandos Leigh.*] How did you vote?—I voted for Mr. Lloyd.

4181. Were you at the “Anchor Inn” some time during Sir Richard Glass’s canvass?—Yes.

4182. When was that?—I have been there several times; on one occasion when I went in, Sir Richard Glass was there.

4183. When about, was that?—That was shortly before the election, after Mr. Hemming had given way.

4184. After Mr. Hemming had retired?—Yes.

4185. Do you say Sir Richard Glass was there?—Yes.

4186. Did you see any other people there?—Yes.

4187. Where was Sir Richard Glass?—He was in the bar of the “Anchor.”

4188. What was he doing?—He had sat down, and when I went in, he was talking to William Hunt, Richard Knowles, and Francis Buntney.

4189. Do you know what he was talking about?—He was talking something about the Irish Church, or something of the kind to them.

4190. Did you hear him ask anybody for their votes or not?—No; I did not.

4191. Who was with him then?—There was Mr. Gardener; they were in the kitchen.

4192. Mr. Justice *Blackburn.*] Who were in the kitchen?—Mr. Gardener.

4193. Mr. *Chandos Leigh.*] The people you are going to name were in the kitchen, not Sir Richard Glass?—Yes.

4194. Who else?—Mr. Gardener, Mr. Herbert Pardoe, Mr. Landon, and Mr. Acton Pardoe.

4195. What were they doing in the kitchen?—Mr. Gardener was talking to Mr. Pountney in the kitchen; Mr. Pountney, senior, was sitting in the kitchen.

4196. Did you hear what Mr. Gardener said to Mr. Pountney?—I did not hear; Sir Richard Glass was talking; I did not hear much what he said.

4197. What Mr. Gardener said to Mr. Pountney?—Yes; I overheard him make this remark, “You would not vote for a quaker, would you?”

4198. Mr. Justice *Blackburn.*] What was it he said?—He was talking to this Mr. Pountney,

and he said “You would not vote for a quaker, would you?” that is all I heard; I overheard that.

4199. Mr. *Chandos Leigh.*] You were not in the kitchen, but in the bar, with Sir Richard Glass at that time?—Yes.

4200. How long did Sir Richard Glass stay in the bar?—Ten minutes, I should think.

4201. After that, where did he go?—He went into the kitchen.

4202. When he went into the kitchen, what did you see him do?—He commenced talking to Mr. Pountney, but I did not hear what he said to him.

4203. Did he talk to anybody else?—He said something to Mr. Pountney; then he remarked to Mr. Herbert Pardoe, who had a book in his hand, and he asked him how he had got Mr. Pountney down in the canvass book, what he had got against him, and Mr. Herbert Pardoe said, “Neutral.”

4204. Did Sir Richard Glass and those other gentlemen leave after that?—Yes; they left after that.

4205. Did they leave together?—Yes, altogether.

4206. Have you on other occasions come across Sir Richard Glass during this canvass?—Yes, several times in the street.

4207. Was he alone or with other people?—He was generally accompanied by several.

4208. Can you give us any of the names?—Yes; Mr. Gardener, Mr. Bury, Mr. Baugh, Mr. Parsons, Mr. Osman Pountney, Mr. Webster, Mr. Chellingworth, Mr. Charles Chellingworth, Mr. Landon, and Mr. Shaw generally were with him, and Mr. Boucher.

4209. Do you know a man called Jackson?—Yes, I know him very well.

4210. Did you see him with him?—No, I never saw him with him.

4211. Do you know a Mr. Thomas Baugh?—Yes, I know him very well.

4212. Did you ever see him with Sir Richard Glass?—Yes.

4213. What have you seen him doing with Sir Richard Glass?—I have seen him walking with him, while he has been on his canvass; that is all.

4214. How many times have you seen that?—I could not say.

4215. More than once?—I should think, at the least, eight or ten times.

4216. Have you watched those people that you name upon their canvass?—No, I never watched them much.

4217. Have you seen whether the whole party went into a house, or some stayed outside?—I noticed that when they have been going from house to house, perhaps two or three of them would go in with Sir Richard Glass, and the others would remain outside.

4218. Have you seen the people who remained outside do anything?—Yes; I have seen them, when anybody was coming down, stop them and begin talking to them, and several times I have seen them keep a man, as it were, I suppose, to introduce him to Sir Richard Glass.

[The Witness withdrew.]

JOHN HUMPHERSON, sworn; Examined by Mr. Fitzjames Stephen.

- J. Humpherson. 4219. Do you act as Reporter for the "Birmingham Daily Post"?—I am local reporter.
 22 January 4220. Did you attend the meeting in the Town
 1869. Hall on the 7th of July?—I did.
 4221. Were speeches made at that meeting, and resolutions passed?—Yes.
 4222. Did you take notes?—I did.
 4223. Did you see a Mr. Chellingworth there?—Yes.
 4224. Did he move a resolution?—He did.
 4225. And, after moving the resolution, did he hand you the original?—I beg your pardon, Mr. Chellingworth seconded the resolution.
 4226. Did he hand you the original of the resolution which he seconded?—Yes.
 4227. Was Sir Richard Glass present?—Sir Richard Glass was present.
 4228. Just look at that, and see whether that is the resolution that was handed to you (*handing a paper to witness*)?—Yes.
 4229. Was that a motion made in Sir Richard Glass's hearing?—Yes.
 4230. He made a speech himself, I think?—Sir Richard made a speech himself.
 4231. Have you seen Sir Richard going about the town?—Yes.
 4232. Have you seen him going to the houses of voters?—Yes.
 4233. Who have you seen with him on such occasions?—I have seen Mr. Acton Pardoe, Mr. Giles Shaw, Mr. Boucher, Mr. Landon.
 4234. Mr. Bury, did you ever see him?—Mr. John Bury and Mr. Herbert Pardoe, I think that is all.
 4235. Do you know a man named Osman Pountney?—Yes, a Mr. Osman Pountney I have seen.
 4236. How many times do you think you have seen him with Mr. Osman Pountney?—Several times; four or five times; six times.

[*The Paper spoken to by the Witness was read as follows:—*]

"MEETING."

Proposed by (in pencil) R. A. P.; seconded by (in pencil) Mr. Bury: "That his Worship the Mayor do take the chair."

The Mayor.

Mr. Shaw's statement introducing Sir Richard A. Glass.

Sir Richard A. Glass.

Proposed by (in pencil) J. W. Rogers; seconded by (in pencil) S. Price:

"That having heard the able and lucid statement made by Sir Richard Atwood Glass:

"That this meeting pledges itself to use every legitimate and constitutional means to secure the election of Sir Richard Attwood Glass as the Conservative Member for Bewdley and Stourport."

Proposed by (in pencil) Webster or Gardner; seconded by (in pencil) Webster or Chelny:

"That the following gentlemen (with power to add to their number) be appointed a committee for conducting Sir Richard Attwood Glass's election, and that Giles Shaw, Esq. be elected chairman."

Committee:

Chairman, Giles Shaw, Esq.

John Bury.	W. A. Crowther.
William Boucher.	W. D. Dance.
W. H. Chellingworth.	John Hinton.
Benjamin Gardner.	G. Humphrys.
W. Landon.	Henry Jeffs.
E. R. Nicholas.	Samuel Lamb.
R. Acton Pardoe.	William Mytton.
Samuel Price.	Thomas Radford.
James Tart.	J. C. Rogers.
Cecil Webster.	J. Rogers.
John Blundell.	F. D. Wright,
S. Crane.	Hon. Secretary.

Proposed by (in pencil) Sir R. Glass; seconded by : "That the best thanks of the meeting be given to his Worship the Mayor for his conduct in the chair."

Cross-examined by Mr. Giffard.

4237. Did you report the meeting?—I did.
 4238. And I suppose a correct report of the meeting, and what took place there, was printed in the paper with which you are connected?—Yes.
 4239. Have you got that report here?—No.
 4240. Just see; is that a correct copy of it (*handing a paper to the Witness*)?—No.
 4241. It is not?—No, it is a report of the same meeting from the "Gazette."

Mr. Justice Blackburn.] I dare say they do not substantially differ.

4242. Mr. Giffard.] Is that so, that they did not substantially differ?—They do not substantially differ.

[The Witness withdrew.]

JOSEPH ROWLEY, sworn; Examined by Mr. Chandos Leigh.

- J. Rowley. 4243. ARE you a voter?—Yes.
 4244. At Stourport?—Yes.
 4245. Whom did you vote for?—Mr. Lloyd.
 4246. What are you?—A boat builder.
 4247. Whom do you work for?—Messrs. Danks and Saunders.
 4248. Did you ever see Sir Richard Glass?—Yes.
 4249. Where?—At the place where I work.
 4250. At Messrs. Danks' yard?—Yes.
 4251. About when was it?—It may be three weeks previous to the election.
 4252. Did he speak to you?—Yes.
 4253. Was he alone?—No.
 4254. Who was with him?—Mr. Joseph Rogers, Mr. Parsons, and Mr. Anderson.
 4255. Is your father a voter?—Yes.
 4256. Did you see them speak to him?—Yes.
 4257. What is your father's Christian name?—George.
 4258. Did he vote for Mr. Lloyd?—Yes.
 4259. When they spoke to you, what did they say?—They solicited me for my vote, Sir Richard Glass did.
 4260. Did you hear what they said to your father?—Mr. Rogers solicited my father for his vote.
 4261. Is that the only time that you saw Sir Richard

J. Rowley.
22 January
1869.

Richard Glass;—No, I saw him twice besides that.

4262. Mr. Justice *Blackburn.*] When you saw him at the other times, had you conversation with him?—One time I had.

4263. Mr. *Chandos Leigh.*] Where was that?—By Mr. James Hill's house.

4264. Who is Mr. James Hill?—Foreman of the yard where I work.

4265. Did you speak to Sir Richard Glass then?—Yes.

4266. Was he alone, or with other people?—With other people.

4267. What did you speak to him about?—About politics, or political affairs.

4268. Was anything said about your vote then?—No, not then.

4269. Who were the people with him?—Mr. Radford, Mr. Rogers, Mr. Anderson, Mr. Crowther, the lawyer, and Mr. Blundell.

4270. Was Mr. Danks with him?—Not at that time.

4271. Did you see them at any other time?—Yes.

4272. When?—Once when I was at work at the blacksmith's shop.

4273. Is that a blacksmith of the name of Staunton?—Yes.

4274. Did you speak to Sir Richard Glass then?—No, I did not.

4275. Was Sir Richard alone when you saw him?—No.

4276. Can you tell us who he was with?—With Mr. Radford, Mr. Parsons, Mr. Anderson, and Mr. Danks.

4277. Did you see where they went to, or what they did?—I was at work outside of the shop, and Sir Richard, and the rest that were with him, went into the blacksmith's shop; I was at work outside. My master stayed outside, and was talking to me respecting the work I was doing.

4278. Your master, Mr. Staunton?—No; Mr. Danks.

4279. Who was in the shop at the time?—A man named Beech, the foreman for Mr. Staunton.

4280. Is he a voter?—Yes, he had a vote, but he did not vote.

4281. Did you see them speak to him?—I did not.

4282. Did Beech make a communication to you afterwards; never mind what it was?—Mr. Beech told me afterwards —

4283. Never mind what he told you.

Cross-examined by Mr. *Giffard.*

4284. You say you had a conversation with Sir Richard Glass before he came to canvass your father; when was that?—

4285. Mr. Justice *Blackburn.*] No, I do not think he said before—It was during the time.

4286. Mr. *Giffard.*] Then you had not seen Sir Richard Glass before that time?—Yes, once before that time.

4287. When was it you say you had any conversation with him about your own vote?—Respecting my own vote, at the yard where I work.

4288. Was that before or after he came to canvass your father?—At the same time that he came to canvass my father, or, rather, at the same time that Mr. Rogers canvassed my father.

4289. It was the same time, was it?—Yes.

4290. Do you mean that nothing had passed between you and Sir Richard Glass before that?—Only conversation respecting political affairs.

4291. Mr. Justice *Blackburn.*] The conversation respecting political affairs was before he came to the yard to ask for your vote?—Yes.

4292. Mr. *Giffard.*] How long before?—It may be the week previous to his canvassing me for my vote.

4293. Where was it?—At Mr. Hill's door, the foreman of the yard where I work.

4294. I believe you said very decidedly you would not vote for him, did you not?—No, I did not give him a decided answer.

4295. I think you showed that you did not like him, and did not like his politics very decidedly, did you not?—Yes; he could see from what I said that I did not like his politics.

4296. I think you said something that was not very civil to him, did you not?—Well, I did not blackguard him.

4297. We may differ about what that means; at any rate he could see that you were no friend of his?—Yes, he could.

4298. When he afterwards came to canvass your father, he did not ask for your vote at all, did he?—He did. He did not canvass my father at all in my presence.

4299. Did he not say, "I will trouble you to hold your tongue; I am not come to canvass you, I am come to ask your father for his vote"?—No, he did not.

4300. Did he say nothing of the kind?—No.

4301. Take care; you have told me that you had already exhibited by your manner that you were no friend of his?—Yes.

4302. Do you mean to say that he asked you for your vote at this conversation we are speaking of now?—He solicited me for my vote.

4303. Mr. Justice *Blackburn.*] What did he say that you call "soliciting you for your vote"?—He asked me if I would promise him my vote.

4304. Mr. *Giffard.*] Do you mean to swear that he said, "Will you promise me your vote"?—Yes.

4305. Did you say anything to him when you saw him come in?—Not till he asked me if I would promise him my vote.

4306. That was the first thing that happened?—Yes.

4307. Did you speak to your father at all about it; I mean then and there; I do not mean either before or after?—Did I speak to my father? Yes.

4308. What did you say?—I said, "Father do not promise that man your vote."

4309. Was that before or after you say Sir Richard Glass had asked you for yours?—That was after Sir Richard had asked me for mine.

4310. At any time during the interview did Sir Richard say to you, "I will trouble you to hold your tongue; I have come to speak to your father, not to you"?—Not that I heard.

4311. Or any words to that effect?—No.

4312. You are sure of that?—I am sure of that.

4313. You had, I think, called after him in the street, had you not, before then?—I had not.

4314. Take care; will you swear you had not called after him in the street, and asked him about "game and rabbits," and so forth?—I have not called after him. That was when I saw him at the foreman's door.

J. Rowley. 4315. That was before this interview with your father you know?—Yes.
 22 January 1869. 4316. What did you say to him?—He asked me my reason for not going that way; I told him that I would not. I did not like his principles; he asked me why; I told him I was for the dis-establishment of the Irish Church.
 4317. Was that all?—I told him I did not like to support a man of his principles.
 4318. Did you say anything about rabbits and game?—Yes I did.

4319. Did you say anything about rabbits?—I told him, that I thought a man of his principles was so strict in making up laws respecting these things, game laws and fish laws, and those sort of things.

4320. You said it just as you are saying it to me now in an argumentative quiet sort of way?—Yes.

[The Witness withdrew.]

MR. MICHAEL O'BRIEN, sworn; Examined by Mr. *Sturge*.

Mr. M. O'Brien. 4321. You are assistant to Mr. Gabb?—Yes.
 4322. He is a surgeon in Bewdley?—Yes.
 4323. Are you a surgeon?—No, I am not.
 4324. I believe your business takes you about the town a good deal?—Yes.
 4325. Have you ever seen Sir Richard Glass canvassing previous to the election?—Yes.
 4326. Many times?—Several times.
 4327. Has he generally been alone or accompanied by others?—Accompanied by others.
 4328. Can you tell me who has been with him?—Mr. Landon, Mr. Boucher, Mr. Parsons, young Mr. Pardoe—that is Mr. Herbert Pardoe, Mr. Webster.
 4329. Do you know Mr. Bury?—Yes, Mr. Bury.
 4330. Do you know Mr. Chellingworth?—Yes, Mr. Chellingworth also.
 4331. Mr. Todd?—Yes, and Mr. Todd.
 4332. And Mr. Boucher?—Yes, and Mr. Boucher.
 4333. Have you seen them with him?—Yes.

4334. Mr. Acton Pardoe?—I do not remember Mr. Acton Pardoe.

4335. Mr. Parsons, you said?—Yes.

4335.* Do you know William Jackson?—Yes.

4336. Have you ever seen him?—No, not to my recollection.

4337. Have you seen those people more than once?—Several times.

4338. How many times should you think?—I cannot say.

4339. A dozen times?—Perhaps I have.

4340. In company with Sir Richard?—Yes.

4341. What had they been doing?—Going about canvassing, I suppose.

4342. Going from house to house?—Yes.

4343. Did you see them go into the houses?—Yes; but I cannot swear to that positively.

4344. Have you seen them speaking to people in the streets?—I have.

[The Witness withdrew.]

JOSEPH HUMPHERSON, sworn; Examined by Mr. *Chandos Leigh*.

J. Humpherson 4345. What are you?—A horn turner.
 4346. Where do you live?—In Dog-lane.
 4347. At Bewdley?—Yes.
 4348. Are you a voter or non-voter?—Non-voter.
 4349. Did Sir Richard Glass ever come to your shop?—Yes.
 4350. When was that?—I believe at the first commencement of his canvassing.
 4351. Whom did he come with?—There were several gentlemen with him.
 4352. Do you remember their names?—Mr. Acton Pardoe, Mr. John Bury, Mr. Henry Chellingworth; I remember those.
 4353. Is your shop next door to Price's tanyard?—Yes; at the same entry.
 4354. Did Sir Richard speak to you first?—I do not know that he spoke to me first; there were others in the shop.
 4355. Did he introduce himself, or were you introduced to him?—Mr. Pardoe introduced me to Mr. Henry Southern, I think, first.
 4356. Is he the landlord of the "Old Mug"?—Yes.
 4357. After the introduction had taken place, did you hear anything said?—They was talking some time.
 4358. Who was talking?—Each one was talking, one after another; and Sir Richard Glass said he hoped Mr. Henry Southern would vote for him; and he promised him his vote.
 4359. Had Mr. Acton Pardoe a book in his hand?—He had a book in his hand.
 4360. Did he make a mark then, or anything?—I did not see him make a mark.

4361. Did the party leave the "Old Mug" then; did the gentlemen leave after that?—Yes.

4362. Did any of them remain?—Mr. Bury was in the shop last.

4363. Was anything said to Mr. Bury?—A person of the name of John Darks made his obeisance to him, and said he hoped he should be able to drink Mr. Glass's good health.

4364. Is Darks a voter?—I would not swear he was.

4365. After the obeisance was made, and the drink asked for, what happened?—Mr. Bury gave him 2 s. 4 d.

4366. What became of the 2 s. 4 d.?—He spent it.

4367. What in?—In beer.

4368. Where was the beer fetched from?—From Mr. Henry Southern's; the "Mug House."

4369. Who drank the beer?—All of us.

4370. Who else were there besides yourself and Darks?—Henry Southern, and Joseph Taylor, and Adam Danby.

4371. Is that Adam Danby, of Sandy Bank?—Yes.

4372. And Joseph Taylor?—Yes.

4373. Is that Joseph Taylor of Lax-lane?—Yes.

4374. Anybody else?—Several others in the shop; the shop men.

4375. Do you know any of their names?—William Carter; he is not a voter.

4376. Anybody else?—Thomas Johnson; he is not a voter.

4377. Was

4377. Was this man's name Darks, or Danks?

same person?—Oh! no; the one is a nephew of the other one.

J.
Humpherson

22 January
1869.

—John Darks.

4378. Are John Dark and Thomas Dark the

[The Witness withdrew.

JAMES HUNT, sworn; Examined by Mr. Chandos Leigh.

4379. ARE you a voter?—Yes.

4408. Were there voters among his men?—Yes, there were voters among them.

J. Hunt.

4380. Did you vote at the last election?—No.

4409. Where did the rearing take place?—At Mr. Pountney's house.

4381. Where do you live?—In Bewdley.

4382. What are you?—A bricklayer.

4410. About what time of the day was the rearing?—At one o'clock.

4383. Were you working for anybody during the last election?—Yes.

4411. How long did it last?—I was not there many minutes.

4384. Who for?—Mr. Christopher Pountney.
4385. Is that Mr. Christopher Pountney of the "Squirrel Inn"?—I do not know.

4412. What did you have at the rearing?—A bit of beef and a glass of beer.

4386. Mr. Justice Blackburn.] What place does Mr. Christopher Pountney belong to?—Bewdley.

4413. Was anything said about the election at the rearing?—Nothing at all.

4387. Mr. Chandos Leigh.] What is Mr. Christopher Pountney?—A bricklayer.

4414. Did Mrs. Pountney come in to the men who were there during the rearing?—Mrs. Pountney was there, of course; it was at her house.

4388. Does he keep a reading room too?—Yes.

4415. Mrs. Pountney was there?—Yes.

4389. Do you remember being at the reading room before the election?—Yes; I was there many times before the election.

4416. Did Mrs. Pountney say anything about the election?—No.

4390. Do you remember having supper at the reading room before the election?—No.

4417. Did she mention the name of Sir Richard Glass?—No; I never heard her.

4391. Have you ever had supper at the reading room?—No; not at the reading room.

4418. You say you never heard her?—I never heard her mention the name of Sir Richard Glass.

4392. Have you ever had supper at Mr. Christopher Pountney's?—I have had dinner there.

4419. Were you ever spoken to by your master about Sir Richard Glass and the election?—I have heard him speak some words.

4393. Do you remember having supper at Mr. Christopher Pountney's house before the election?—Yes; I have had my supper there several times.

4420. Were you ever asked by Mr. Pountney how you were going to vote at the election?—Yes.

4394. Mr. Justice Blackburn.] You had supper at Mr. Christopher Pountney's house?—Yes; I had my supper there several times, and breakfast.

4421. When was that?—I cannot tell what day it was on; I cannot tell exactly which day it was.

4395. Mr. Chandos Leigh.] Do you remember shortly before the election having supper there with some other people; men?—Not supper.

4422. Were you asked more than once?—Yes; I was asked two or three times.

4396. What was it?—Dinner.

4423. What did he say to you?—He asked me who I was going to vote for; I told him, "No one."

4397. I thought you said you had supper there several times?—Yes; I have had many meals there.

4424. Did he say anything else?—He said he thought I ought to vote his way, being as I worked for him; but he did not compel me in any way.

4398. Did you ever have a supper there?—Not then; never.

4425. Anything else?—No.

4399. Do you recollect the week before the election having supper at Mr. Pountney's house?—Not a week before.

4426. Was anything said about paying?—No.

4400. A fortnight before, was it?—No.

4427. Was anything mentioned about money?—No; not about no election affair.

4401. Then you did have a supper there?—I never had a supper there then.

4428. But something was said about money?—Yes.

4402. Do you remember, a week before the election, having something to eat in the evening at Mr. Christopher Pountney's house?—No, not in the evening.

4429. What was said about money?—I asked him to lend me 5 l. on my work.

4403. When was it?—In the morning, at dinner time; it was a rearing that he give his men for the building of a house at the "Squirrel"; it was the rearing of a house up at Hardley that Mr. Pountney gave his men.

4430. When did you ask him to lend you 5 l. on your work?—On the election day.

4404. When was that?—That he gave the rearing. I cannot particularly tell which day it was.

4431. Where was it that you asked him to lend you 5 l. on your work?—At the "Sheaf."

4405. Was it before or after the election?—Before the election.

4432. Is that the "Wheat Sheaf"?—Yes.

4406. How long before the election?—About two or three days; I cannot say exactly.

4433. In what room?—It was one room upstairs, but which room I cannot tell.

4407. You say that he gave a rearing to his men?—Yes.

4434. At what time during the election day was it?—About one or two o'clock, I suppose, as near as I can guess.

9.

4435. When you asked him to lend you 5 l. on your work, what did he say?—He said he would.

4436. What happened after that?—Why, he gave me the 5 l.; at least, he lent it me on my work; he lent me the 5 l. on my work. It had been wet, and I could not make no time at work.

J. Hunt.
—
22 January
1869.

It had been so very wet that I could not make above two days a week. I had got no money, and I asked him if he would please to lend me 5 l. upon my work. Of course, I was to work to pay back.

4437. You say he did lend it you on your work?—Yes, he did.

4438. Did he give it you into your hand?—No, he put it on the table.

4439. Are you sure it was put on the table?—Yes.

4440. Did he say anything at the time he put it on the table?—No, he did not say anything to me.

4441. He said nothing?—He did not say anything to me.

4442. Did he speak at all?—Yes.

4443. What did he say?—He said, "Here is the money."

4444. Did he, before he put this money down upon the table, say anything then?—He said he would lend it me when I asked him.

4445. Did he use the words, "awkward business"?—No.

4446. He said nothing of the sort?—No.

4447. What was the money in?—On account of work.

4448. What was it in: gold, or a 5 l. note, or silver, or what?—In five sovereigns.

4449. Did you say anything after he put the money down on the table; what did you do?—I picked it up.

4450. What did you do with it?—I spent it.

4451. What did you spend it upon?—Oh, lots of things, for I had got none; I was obliged, else I should not have asked him.

4452. Did you say anything when you picked up the money, and put it into your pocket?—Yes, I said, "I have got to work it out;" and he says, "Of course you have, in the summer."

4453. Did you say anything about what the money was given you for?—He did not give it me; he lent it me.

4454. Did you say anything about what the

money was lent you for?—I did not say anything about what it was lent me for.

4455. Did you say about voting then?—No.

4456. You say you had worked for Mr. Pountney, did you show the money to anybody?—Yes.

4457. Who to?—I gave it to my brother.

4458. You say you have worked for Mr. Pountney?—Yes.

4459. As a bricklayer?—Yes.

4460. What wages had you?—At Mr. Pountney's?

4461. Yes?—3 s. 4 d. a day.

4462. When were they paid?—Every week.

4463. How long had you worked for Mr. Pountney?—I cannot tell exactly, but it is above twelve months.

4464. Had he ever advanced you money before?—Yes, he had lent me money before.

4465. How much?—Not so much as that.

4466. How much?—He has lent me 10 s. before.

4467. He has lent you 10 s.; is that the largest sum?—Yes.

4468. When was that?—I cannot tell.

4469. Think when it was?—I cannot tell when it was.

4470. Was it six months before this?—I cannot tell.

4471. He had lent you 10 s. before?—Yes.

4472. Mr. Justice *Blackburn*.] Had you at any time before this promised Mr. Lloyd, or anybody for Mr. Lloyd, that you would vote for him?—No.

4473. Did anybody ask you to come and vote for them?—No.

4474. Have you never been canvassed on their side?—Mr. Glass came to my house —

4475. I am not talking about Sir Richard Glass. Had nobody come for Mr. Lloyd to ask for your vote?—No.

4476. Had you never been canvassed by them at all?—No.

[The Witness withdrew.

THOMAS HUNT, sworn; Examined by Mr. *Sturge*.

T. Hunt.
—

4477. WHAT are you?—A Shoemaker.

4478. Where do you live?—At Bark Hill.

4479. In Bewdley?—In Bewdley, near Bewdley, in the borough of Bewdley.

4480. Are you a brother of James Hunt?—Yes.

4481. About the time of the election, do you remember your brother, James Hunt, coming out of the "Wheatsheaf"?—Yes.

4482. Did you meet him there?—No, I met him at the bottom of Lax-lane.

4483. How far is that from the "Wheatsheaf"?—Just round the street.

4484. One hundred yards off?—It is further than that; a quarter of a mile, I should think.

4485. When you met your brother, did he give you anything?—Yes.

4486. What?—I asked him —

4487. Never mind what you asked him?—He gave me five sovereigns into my hand.

4488. Did he ever give you five sovereigns before?—No.

Cross-examined by Mr. *Giffard*.

4489. Were you in Bewdley upon the polling day. I suppose you were, by what you have just said?—Yes.

4490. What time was it that you got this money from your brother?—Between 11 and 12 o'clock.

4491. Was not it later than that?—No.

4492. Are you quite sure of that?—I am quite sure of that.

4493. At that time Sir Richard Glass was a long way ahead, was not he, on the poll?—Yes.

Re-examined by Mr. *Fitzjames Stephen*.

4494. How do you know what the poll was at that time?—I saw the state of the poll not long before.

4495. What was the state of the poll?—I cannot say exactly now.

[The Witness withdrew.

THOMAS HUNT, sworn; Examined by Mr. *Sturge*.

4496. ARE you the father of James Hunt?—
Ycs.

4497. What are you?—A shoemaker.

4498. Do you live in this town?—Yes.

4499. Does James Hunt, your son, live with you?—No.

4500. Do you remember seeing him about the time of the election?—Yes.

4501. Was that near the “Wheatsheaf”?—
Yes; I saw him go into the “Wheatsheaf.”

4502. Did you see him come out?—I saw him come out.

4503. Do you remember what day that was?—
The polling day.

4504. What time of day was it?—About 11 o'clock in the day.

4505. When he came out, did he give you anything?—No, he did not give it me; he gave it to my son.

4506. What was it?—Five sovereigns he had in his hand.

4507. Did you see him give it to your son?—
No, I did not see him give it to my son, but I saw it in his hand as he passed by; it was five sovereigns.

[The Witness withdrew.]

T. Hunt.

22 January
1869.

JAMES GEORGE GRIFFIN, sworn; Examined by Mr. *Chandos Leigh*.

4508. ARE you Landlord of the “Fox Inn,”
Bewdley?—I am.

4509. Are you a voter?—Yes.

4510. Did you vote at the last election?—I did.

4511. Who for?—For Mr. Thomas Lloyd.

4512. In the month of July last, were you ill?
—I was.

4513. Were you kept to your bedroom?—Yes.

4514. Did anybody come to see you when you were ill in your bedroom?—Not in the bedroom; I had left my bedroom that evening, and gone in a front room.

4515. Did anybody come to you in the front room?—Yes.

4516. Who?—Dr. Webster.

4517. Did anybody come with him?—No.

4518. Is Dr. Webster your doctor?—Yes, he is.

4519. When he came to you, did he say anything?—He gave me Sir Richard's card.

4520. Sir Richard Glass's card?—He asked me if I would support him.

4521. What answer did you make?—I told him that I was a Liberal.

4522. On the day of nomination, did anybody come to you?—That was the polling day; yes.

4523. Who came to you?—Charles Pountney and Christopher.

4524. Mr. Justice *Blackburn*.] Christopher Pountney?—Yes; two brothers.

4525. Mr. *Chandos Leigh*.] Where did they come to?—Into the front place.

4526. Was anybody with them besides?—Yes, a lot of their roughs.

4527. What did they do?—They jumped up at my window, and damaged my wire blinds, and waved their colours in the street through my window.

4528. Was that all that happened?—No; there was a tremendous row, but after that I thought they were gone, and went out of my front door, and then afterwards I was called up-stairs.

4529. Whom did you see when you were called up-stairs; anybody?—I saw my wife; Charles Pountney and Christopher.

4530. What happened then?—We went into the front room.

4531. What happened then?—Well, they says, “Now Mr. Griffin, you had better make up your mind and vote for Sir Richard Glass; you know very well it will not do for you to offend the gentlemen, for it is the gentlemen that have granted

you your license, and if you do not do it they will take it away again.”

4532. Was that all that passed?—No.

4533. What else passed?—Some other conversation; they said, “You had better make up your mind;” I says, “I do not see how you can reasonably expect me to vote for Sir Richard Glass; I told you I was a Liberal, and for another thing, I have never had any ‘do’ at my house the same as the others have had.” He says, “Never mind that, if yours is the last ‘do’ it shall be the best.”

4534. Mr. Justice *Blackburn*.] Who said this?—Charles Pountney; he says, “Make up your mind, and I will give you 5*l*., and you shall draw a hogshead of ale to-night.”

4535. Did he say anything about other people having 5*l*?—No.

4536. What answer did you make to that?—I told him, “No, not for five hogsheads at the back of it.”

4537. Did Sir Richard Glass ever come to your house?—Yes.

4538. When was that?—Well, I believe that was on the 8th of July.

4539. Did he ask you for your vote?—Yes, after Mr. Webster left the room; he came up afterwards.

4540. That was when you were up-stairs?—Yes.

4541. Did he say anything to you then?—Yes, he solicited me for my vote; I told him I was a Liberal.

4542. He solicited you then for your vote for the first time?—Yes.

4543. Did he come to you on the nomination day?—Yes, he did.

4544. In November?—Yes; the day before the polling day.

4545. Who did he come with then?—There was this Charles Pountney, Mr. Tart, Mr. Bury, and several other gentlemen.

4546. What happened then?—He says, “Now Mr. Griffin, the time is approaching to decide this.” I said, “Yes, I am aware of it.” “Well,” he says, “I suppose you will favour me with your vote,” and I says, “I do not know about that.” I told him that he could not hardly expect me to give him my vote when I had had nothing at my house the same as the others had.

4547. Mr. Justice *Blackburn*.] You said that to Sir Richard Glass?—To Sir Richard Glass himself.

J. G. Griffin. himself. "Oh," he says, "I never gave anything at any house."

22 January 1869. 4548. *Mr. Chandos Leigh.*] Did anything else pass?—Yes; I said, "Well, it does not matter what colour it is done under, we know who has to pay for the lot." Other conversation took place, but Mr. Tart and Charles Pountney was left with me alone.

4549. Did Sir Richard say anything else?—He pressed me for my vote; I could not exactly tell the conversation.

4550. Was anything else said about a treat?—Yes; it was named before Sir Richard at the time I complained that he could not hardly expect me to give him my vote; "Never mind," he says, "if yours is the last, it shall be the best."

4551. *Mr. Justice Blackburn.*] You mean that that was said when Sir Richard Glass was there?—Yes, in his presence.

Cross-examined by *Mr. Giffard.*

4552. Then that observation was made upon two occasions?—Yes.

4553. Almost in the same words?—Yes, something of the same sort.

4554. When Sir Richard went to you first, which was, I think you say, early in July, you say you told him you were a Liberal; are you quite sure of that?—I am quite certain of that.

4555. Let me remind you; did you say you were a Conservative, but your wife was a Liberal?—No; I said I always was a Liberal.

4556. Just content yourself with answering my question first, and then explain afterwards if you wish to; did you say that as you and your wife did not agree you should be neutral?—No.

4557. Anything to that purport or effect?—I did not say those words.

4558. Anything to that effect?—Sir Richard Glass went on to explain upon the subject of the disestablishment of the Irish Church, and he said it was an inroad towards doing away with the Church of England and the institutions of the country; and I said, if I could satisfy my mind upon that point I would not vote against him.

4559. And was that truly the state of your mind at that time?—Yes.

4560. Then your mind was not affected either then or afterwards, I suppose, by other people having "dos." or treats at their houses?—There was not any doings at that time, as I knew of.

4561. That did not affect your mind at any time, did it?—No, I told him that of course he could not reasonably expect me to give him my

vote when he had not served me the same as he had the others.

4562. How long do you suppose this conversation between you and Sir Richard Glass took; I mean early in July?—I dare say a quarter of an hour we were together.

4563. And you are quite sure that in the result you did not say, you were not neutral, but only that you would be neutral if you could satisfy your mind about the effect of the disestablishment of the Irish Church?—Yes, only if I could satisfy myself of its going to do away with the institutions of this country.

4564. Then he left you?—Yes.

4565. Did you see him again from that time to the time when you say you saw him, and complained of your house not having been used like the others?—No, he called at our house, but I did not see him.

4566. You have said that that observation about the last one being the best, was made in his presence?—Yes.

4567. Whereabouts was Sir Richard at that time that this observation was made?—Up by the fireplace.

4568. Who was the person speaking?—I could not say, but Charles Pountney made that remark to me afterwards when he was left alone with me.

4569. Never mind about afterwards; at that time I mean?—I could not say who made it.

4570. You knew everybody who was present, did you not?—I knew the greatest part of them, not all.

4571. Why could not you say who made the observation?—I could not tell. I should not like to say it was a party if I was not confident it was the party.

4572. You say you heard it, and it was said near enough for Sir Richard Glass to hear it?—Yes.

4573. Yet you do not know who it was made it?—No, I do not.

Re-examined by *Mr. Fitzjames Stephen.*

4574. Did you vote at the municipal elections?—Yes.

4575. Who did you vote for there?—All the Liberals at the last election.

4576. Who had you voted for in former elections?—Sometimes the Liberals and sometimes the Tories, but generally for the Liberals.

[The Witness withdrew.]

SOPHIA GRIFFIN, sworn; Examined by *Mr. Chandos Leigh.*

S. Griffin. 4577. ARE you the wife of the last witness, James George Griffin?—Yes.

4578. Do you remember seeing Sir Richard Glass in this canvass?—Yes.

4579. Did he come to your house?—Yes.

4580. When was that?—On the 8th of July.

4581. Whom did he come with?—Mr. Acton Pardoe and Mr. Boucher, I believe, was with him and several gentlemen, and Mr. Webster the doctor.

4582. Were any of the Pountney's with him?—Yes, Osman Pountney was with him.

4583. Where was your husband?—Up stairs.

4584. Did Dr. Webster go up stairs to your husband?—Yes, he did.

4585. Did Dr. Webster say anything at the time when he went up stairs?—When he came in he said, "How is your husband?" and I said, "He is not much the better for you, sir, for you are so full of electioneering you cannot see your patients."

4586. Did Dr. Webster go up stairs?—Yes, he did.

4587. Did anybody go up with him?—No.

4588. Did anybody go up after him?—Yes.

4589. Who was that?—Mr. Glass.

4590. Did the others remain down stairs?—Yes.

4591. When Sir Richard came down did he say anything?—He spoke to Dr. Webster, and he

he said he hoped he would do him as much good as he could, and soon get him well.

4592. Mr. Justice *Blackburn.*] What did he say?—He said he hoped the doctor would do him good and soon get him well.

4593. Mr. *Chandos Leigh.*] Had he any conversation with you?—No, not as I am aware of.

4594. Did anything happen after that?—Yes.

4595. What was it?—Before that, while Sir Richard Glass was up stairs, Mr. Acton Pardoe directed my attention to something that was at the fireplace, and I went to the fireplace, and he put 5 s. in my hand.

4596. Who put 5 s. in your hand?—Mr. Acton Pardoe.

4597. The father?—The old gentleman.

4598. On another day had you a call at your house from Osman Pountney?—On the 31st of August.

4599. Who came?—Mr. Osman Pountney came with another man.

4600. Do you know a man of the name of Trow?—Yes, he came with him.

4601. He came with Osman Pountney?—Yes.

4602. What happened then?—He came in and he asked for Mr. Griffin. I told him he was gone to Kidderminster. He said "I am sorry, for I wanted him to go with me to the Tory Association;" and after that I said he was gone to Kidderminster; and he said, "Do you know who he is going to vote for?" I said "No, I did not know anything much about his affairs at all;" and he said, "Well, you know he cannot go against the gentlemen, for if he does they will take his old license off him." I said, "Well, I do not see as they can do that if we do not do anything to have it taken off for," and they said "You know how the gentlemen put Miner on; they will put Fisher on just the same." The gentleman that was by heard it.

4603. Who is Fisher?—The policeman.

Cross-examined by Mr. *Giffard.*

4604. Were you in court or just outside the court when your husband was being examined?—No, they ordered me out of court.

4605. When did you go out of court?—Soon after my husband came in they ordered me out of court.

4606. Are you and your husband of the same politics?—Yes.

4607. Have you always been so?—Yes.

4608. Has he always voted with the Liberals at the municipal elections?—I cannot say which way he voted at the municipal elections, but I believe on the Liberal side.

4609. Always?—I believe so.

4610. Tell me about this 5 s. you speak of having received from Mr. Acton Pardoe. Tell me exactly how that happened; tell it me again?—Mr. Acton Pardoe called my attention to something at the fireplace.

4611. You say he called your attention to something. What did he say or do?—He said "This is a pretty paper at your fireplace, Mrs., Griffin," and I said, "Yes, it is, rather," and then he put the 5 s. in my hand.

4612. Without more?—Yes.

4613. Had you asked him for anything?—No, indeed, I had not.

4614. Had any one asked him for money in

your presence?—No, no one ever asked him for money in my presence.

4615. So that the 5 s. was given without saying anything either before or after?—Yes; he called my attention to something at the fireplace, and put it into my hand.

4616. Attend to my question; was nothing said about the 5 s. either before it was given or after it was given?—He said, "Here is 5 s. for you;" that is all he said to me.

4617. Did you say, "What for, sir."—No, I asked no questions.

4618. What was done with the 5 s.?—I do not know what was done with it; I put it in my pocket with the other money.

4619. Do you mean that you spent it?—I do not know whether I spent it or any one else spent it. I put it in my pocket with the other money.

4620. Do you mean that you put it into your pocket with the other money, and that when you had put it there, and that as you spent the other money you may have spent this?—I do not know how I spent it.

4621. You mean to say you did not keep it for yourself, and spend it for yourself?—No, I put it in my pocket.

4622. Did you keep it for yourself or spend it for yourself?—I did not keep it for myself. I put it in my pocket. And when Sir Richard Glass came down stairs, and they were all going away, Mr. Osman Pountney says to Mr. Pardoe, "You must leave something here." He says, "Yes, I have, 5 s." He turned round and said "Has he given you 5 s.?" and I said "Yes."

4623. Sir Richard Glass was present then?—Yes; he was going out of the door.

4624. Mr. Justice *Blackburn.*] Just say that over again?—As Sir Richard Glass, when he came down stairs, and the others were going out, Osman Pountney says, "We must leave something here," and Mr. Pardoe says, "I have," and he says, "What has he given you Mrs. Griffin?" and I said "5 s."

4625. Who said that?—Osman Pountney, and then Osman Pountney says, "You can let them have a quart or two of beer, and put the other in your pocket."

4626. Mr. *Giffard.*] Was Sir Richard Glass present then?—Yes; at that time.

4627. So that he heard it?—He must have heard it; he was in the place.

4628. He was near enough to hear it?—Yes.

4629. You understood, I suppose, that that was money to be given in drink?—He said that I was to give a quart or two away, and put the other in my pocket.

4630. Did you do so?—I drew five quarts of ale.

4631. I should have thought you would have been able to tell me just now, when I asked you what became of that 5 s., had you forgotten that?—I told you as soon as I recollected it.

4632. Then you had forgotten it when I first asked you the question, had you?—I had not exactly forgotten it.

4633. Had you partly forgotten it?—No; I had not forgotten it all.

4634. Why did not you tell me then?—Because I did not think I should have to say it until you began to question me.

4635. Why did you not like to say it?—I did not mind; I thought I would not say it until I was asked.

S. Griffin.

22 January
1869.

S. Griffin. 4636. Why not?—I had not any reason for it.
 4637. I asked you what became of that 5s. you know?—I put it in my pocket I told you.
 4638. I asked you whether you kept it for yourself?—I did not keep it for myself, I put it in my pocket.
 4639. You have reason for thinking that that particular 5s., or any part of it, was spent in beer?—No.
 4640. What was the price of the beer you drew?—Sixpence a quart.
 4641. Who got the beer?—Gillam's, at the "Vine," son got part of it; they wanted me to draw more; I said "I shall not draw any more; they are not my regular customers;" he said "They left 10s. with father, I am sure they must have left 10s. with you."
 4642. I asked you who got the beer when you

put upon me this conversation?—There was several in the house that had it.

4643. Give me their names?—There was one "Jemmy the Lad," that is what they call him; I do not know his name, and Mr. Pountney's son was another, and there was several other people.

4644. They had names, I suppose?—I could not call to mind who it was.

Re-examined by Mr. Fitzjames Stephen.

4645. You say you served the beer to those people you have mentioned?—Yes.

4646. What time was it?—Some time in the afternoon; I could not say at what time exactly.

4647. Did they pay you?—No.

[The Witness withdrew.]

JOHN TILLMAN, sworn; Examined by Mr. Sturge.

J. Tillman. 4648. WHAT are you?—Shoemaker.
 4649. Where do you live?—Bewdley.
 4650. Do you know John Hamer?—Yes.
 4651. Do you work for him sometimes?—Yes.
 4652. Is Hamer a voter?—Yes.
 4653. Do you remember going to Hamer's on the 16th of November?—Yes.
 4654. The day before the election?—Yes.
 4655. Did he ask you to do some work for him?—Yes.
 4656. What did he ask you to do?—"Sole me a pair of boots for young William Fowler."
 4657. Who is William Fowler?—The clerk of this Bewdley chapel.
 4658. After some time did Hamer go away?—Yes.
 4659. Did he tell you where he was going?—To take the work home that I had been doing.
 4660. To Fowler's?—Yes.
 4661. Did you stay behind him?—I stayed in his house talking to his wife a considerable time.
 4662. Did somebody come for him?—No.
 4663. Did you go up to Fowler?—Yes.
 4664. Did you want him?—I was tired of waiting for him.
 4665. What time was it you went to Fowler?—About seven o'clock as near as I can guess.
 4666. Did you find Hamer there?—Yes.
 4667. Did he come away with you?—No.
 4668. What did he tell you to do?—He said I was to go on and he would follow me in a few minutes.
 4669. Did you go on, or did you wait?—I went on the narrow footpath there leading to the road; at the bottom of the footpath there is a wicket gate; I stood outside the gate for about ten minutes.
 4670. Did Hamer come out of the house after a bit?—Yes.
 4671. Was anybody with him?—Mr. Fowler.
 4672. Did you hear them say anything?—Yes.
 4673. Tell us what was said?—They came within about three yards of the gate, as far as I can guess; I cannot say to half a yard; Mr. Fowler asked him plain if he would vote for Sir Richard; and he said that he could not.
 4674. What then?—Then he said "For what reason?"

4675. Who said?—Mr. Fowler said for what reason; is it money that you want.

4676. Mr. Justice Blackburn.] What answer did he make him?—I did not hear what answer he made him.

4677. Mr. Sturge.] What next?—Mr. Fowler asked him if 5l. would be of any use to him in his small way of business.

4678. What was said then?—He said "Yes it would."

4679. Who said that?—Mr. Hamer said, "Yes it would be;" get me more if you can; that was the last that was said, I believe.

4680. Did Mr. Fowler go away then?—They both came through the wicket where I was standing at. Mr. Fowler left him and he came home with me.

4681. They saw you?—They saw me, and I went off with Mr. Hamer then, and received my money for the work I had done.

4682. Were you at work at Hamer's the next day?—Not for work; I was at the shop.

4683. Early in the morning?—Not very early, eight o'clock, something like that.

4684. Do you know Mr. Thomas Betts?—I know him when I see him; I did not know that was his name when I saw him in there.

4685. Did some one come in the morning?—I saw Mr. Betts come three different times.

4686. When did he come?—About eight o'clock; but I cannot say exactly.

4687. What did he want?—I cannot say; he wanted to see Mr. Hamer of course.

4688. Did he see him?—Yes.

4689. Did you hear him say anything to Hamer?—I heard him asking Hamer different questions, and heard him say if he would do so-and-so he would give him his interest.

4690. Did you hear what he said?—If he would go for Sir Richard.

4691. Did you hear him say that?—Yes; he promised him all his work and all his interest, if he would do so.

4692. What did Hamer say to that?—He promised him he would.

4693. Did Betts come back again?—Not after them; not that I saw.

4694. He did not come back again?—Not that I saw.

4695. Do you know Edward Lucas?—Yes; that is him opposite.

4696. Did

4696. Did he come over?—No, he did not; but he called Mr. Hamer across to him.

4697. And did you hear what he said to Hamer, or did he say anything?—He called him across certainly, and asked him, "I suppose you two have settled it; I suppose you have not had any breakfast."

4698. Had Hamer gone then?—Yes; "Never mind any breakfast," he said; "you can have breakfast with me;" and then Mr. Hamer came across and did not stop to have any breakfast, but put on his hat, and away they went together.

4699. When did he come back again after he had gone away?—I cannot say.

4700. When did you see Hamer again?—The next time I saw him was in the "Swan" Hotel.

4701. Did he call you in?—Yes.

4702. You were in the street?—Yes, going down; passing down by the door.

4703. What time of day was it?—Ten o'clock; about that.

4704. Did you go in?—Yes.

4705. Did you have anything to eat?—Yes.

4706. Was Hamer eating?—He had been eating; so he told me, but not when I went in.

4707. Did you pay anything?—No.

4708. Did you see anybody else paying?—No.

4709. What had you for breakfast?—Well, I had a bit of bread and meat cut me off a leg of mutton.

4710. What had Hamer?—He said he had just had the thing that I had got.

4711. Did you go anywhere else with Hamer during that day?—Not with him, but I followed him; he left me and his wife following together; he ordered me to follow him up to the "Malt Shovel."

4712. Mr. Justice *Blackburn*.] Did you follow him, and where did you follow him?—I followed him up to the "Malt Shovel;" he ordered me to do so.

4713. Mr. *Sturge*.] Then, did you go into the "Malt Shovel" with him?—Followed him, it may be an hour afterwards; I cannot tell.

4714. What did you do when you got in there?—Of course I was asked to have some beer.

4715. Who asked you?—Mr. Hamer; he fetched me some in a pint cup.

4716. Did you see him pay for the beer?—No.

4717. Do you know who paid for it?—No.

4718. Did you see Osman Pountney there?—Yes; I did see him there that morning.

4719. Did you see Hamer with him?—Yes, I saw him.

4720. Did you say anything to him?—I asked Mr. Hamer if he would lend me a shilling; he said he had not one in his pocket, but he would fetch me one.

4721. Did he fetch you one?—Yes; I had a shilling of him.

4722. Do you know where he got it?—He asked Mr. Osman Pountney for some money.

4723. In your presence?—I was in the door leading to the kitchen, and Osman Pountney was at the bar door; I cannot say whether he gave him a shilling or five; I cannot say, but I received the shilling I asked for.

Cross-examined by Mr. *Giffard*.

4724. As to this first conversation which you overheard between Fowler and Hamer, how came you to be there?—Of course I was going after
9.

the money I had earned that afternoon, for the work which I had been doing.

4725. Just let me hear what you mean?—I had done the work that Mr. Hamer had been taking home, and I was waiting to receive the money I had earned for work.

4726. Where were you waiting?—At the bottom of the gate.

4727. Had you knocked or rung, or anything of that sort, to show that you were there?—No.

4728. Why did you not go in?—Into Mr. Fowler's? I had no authority; I knocked and asked if the gentleman was there that I wanted.

4729. How far is the gate from the door?—I could not say; it may be 40 yards, or something like that; that gate is next the turnpike road; the wicket I was standing at.

4730. And where were Fowler and Hamer standing at the time the conversation took place between them?—About three yards off the gate; they were inside, and I was outside.

4731. I misunderstood you; I thought you said they were at the door?—No.

4732. Was it dark?—Yes; very dark.

4733. Did you know whether they were aware at that time of your being there?—No, they were not.

4734. You think they were not?—I am sure not.

4735. You listened to see what they would say to each other?—I stood, and of course I heard their conversation; I was not particular to hear what they said, but I was standing, waiting for him.

4736. I suppose there is a path or road up to the door of the house?—A small narrow path.

4737. Had you seen Hamer go in?—No; I did not see him go in.

4738. Had you seen Fowler go in?—No; I did not see him go in.

4739. Did you hear voices which you recognised, or how was it you knew who was speaking?—Mr. Fowler's house?

4740. I want to know whether you knew the voices, or whether you saw the people?—That were talking inside? Of course I had been to the house to ask for Hamer, and when they had done their conversation they came through the wicket by me, and Hamer spoke to me. Mr. Fowler did not know me. Hamer spoke to me in a minute, and said, "I suppose you have heard what we have said;" I said, "Yes."

4741. Did you know them by hearing the voices?—I knew Hamer's voice very well.

4742. You did not know Mr. Fowler's?—Not when he was talking I did not.

4743. The only way in which you knew it was Fowler was when he passed you afterwards?—When he came through the gate.

4744. The next time you overheard a conversation was in Hamer's house, I think you say?—Who was that?

4745. With Mr. Hamer, Mr. Betts?—Yes.

4746. Was it by accident you heard that conversation also?—I was in the back kitchen and they were in the front.

4747. That was by accident also; you did not listen then?—No; of course if I go in the front kitchen, and any one is there, I always leave them.

4748. You left them in private?—Yes.

4749. I am afraid I must ask you some questions

J. Tillman. tions about yourself; have you been in trouble?—Yes.
 22 January 4750. What?—Several times.
 1869. 4751. How many?—I could not say; not particular.
 4752. How many?—I cannot say, not to once or twice.
 4753. About how many times, do you think?—Perhaps a dozen; never for no capital offence though, I think.
 4754. Your appearance here shows that it is not for any capital offence. I may ask you, have you had penal servitude?—Yes.
 4755. Are you on a ticket-of-leave now?—No.
 4756. Were you ever on a ticket-of-leave?—Yes.
 4757. When last?—I came home three years last July.
 4758. And how many years did that ticket-of-leave get you off?—I had three years, and I gained eight months for conduct out of the ticket-of-leave.
 4759. Since you came back three years ago,

have you been in trouble since then?—Yes; not for felony.

4760. You are a criminal lawyer, I see?—Misdemeanour.

4761. What sort of misdemeanour?—For family affairs.

4762. What do you call “family affairs;” did they say you had stolen some fowls?—No.

4763. Or some lead?—No.

4764. Do you mean to swear that; take care?—Yes.

4765. What did they say you had been doing since this three years?—Nothing at all, but a family affair, falling out.

4766. Just explain how many times you have been in trouble, and then I will ask you what it is for?—Since I came home for the three years?

4767. Yes?—Only once; I have been in trouble once, and I had three months for that.

4768. What was that for?—Striking my wife; family affairs.

[The Witness withdrew.]

DAVID HOBBS, sworn; Examined by Mr. Chandos Leigh.

D. Hobbs. 4769. WHERE do you live?—At Coal’s Quay, Bewdley.
 4770. Are you a voter?—Yes.
 4771. For whom did you vote at the last election?—Sir Richard Glass.
 4772. What are you?—A waterman.
 4773. Do you live next door to a man of the name of Richard Mosely?—No.
 4774. Do you live near him?—No.
 4775. Do you know him?—Yes, a quarter of a mile off.
 4776. Do you know Mr. Giles Shaw?—Yes.
 4777. Did you at any time see Mr. Giles Shaw talking to Richard Mosely?—No, never.

4778. You know Mr. Giles Shaw by sight?—I do.

4779. Did you ever see them together?—No, never.

4780. Do you mean to say that you never saw them together at all?—Never in my life.

4781. Is your name David Hobbs?—Yes.

Mr. Fitzjames Stephen stated that it was probable that this was not the David Hobbs whom the Petitioners had intended to call.

[The Witness withdrew.]

SAMUEL SMITH, sworn; Examined by Mr. Sturge.

S. Smith. 4782. WHAT are you?—A coal-dealer and fisherman.
 4783. Are you a voter?—Yes.
 4784. Whom did you vote for?—Sir Richard Glass.
 4785. Do you know Mr. Thomas Baugh?—Yes.
 4786. He is a magisistrate, is he not?—Yes.
 4787. Do you remember his coming to you some time before the election?—Yes, I spoke to him before the election.
 4788. How long before the election was that?—I cannot say.
 4789. A week?—It may be a week.
 4790. About a week, was it, or longer?—It may be a little longer, I cannot say.
 4791. Did he ask you about voting?—He asked me who I was going to vote for.
 4792. What did you say?—I told him I could not say.
 4793. What did he say then?—He said he should be glad if I would vote on the same principle as he did; I think that was all he said to me.
 4794. Have you been engaged in a case about the salmon fishery?—Yes.
 4795. Did he say anything about that?—Not word.

4796. Not a word?—Not a word to me.

4797. Did he say anything about 10 s.?—Not then.

4798. Did he at any time?—That was a long while before; long before anything of the election was brought up at all.

4799. What did he say?—I had a brief from a party of gentlemen; the gentlemen thought they would assist me in this affair.

4800. Do you mean that you were a plaintiff in a case?—Yes; it was a subscription list.

4801. When was it you had this?—I think it was about July.

4802. Upon that occasion, did you see Mr. Baugh?—Yes.

4803. What did he say to you?—He promised me something towards it.

4804. What did he promise you?—Ten shillings.

4805. Did he give it you?—Not then. He told me I could have it any time.

4806. Have you had it since?—I have never been to ask it.

4807. Had he said anything about the election?—No, any more than that day.

4808. What did he say?—Who I was going to vote for; and I said I could not tell.

4809. Has

4809. Has he said anything more about the 10s.?—No.

Cross-examined by Mr. *Giffard*.

4810. Was this a subscription list to enable you to pay the cost of this action?—Yes.

4811. And did other gentlemen subscribe?—Yes, a great many.

4812. Among others, did Mr. Baldwin the petitioner subscribe?—Yes.

4813. And you say you do not now remember the exact date, but it was before the election business came on at all?—Yes, a long while before then.

4814. Were you at any time at a meeting of Mr. Lloyd's at the "Anchor"?—Yes.

4815. Who took the chair?—Mr. Baldwin, I believe it was.

4816. That was Enoch Baldwin?—No, Mr. Alfred Baldwin.

4817. Was his brother present?—Yes.

4818. And were there a large number of Mr. Lloyd's supporters there admitted by ticket?—Yes, I believe there was.

4819. You knew them, I suppose, as Mr. Lloyd's men; you knew these things at election time?—Yes, part of them.

4820. After the meeting was over, did you see some of these same people drinking beer?—Yes, I had some myself as well.

4821. Did you pay for it?—Yes.

4822. Did others pay for it?—Some that was along with me; several of us. I believe that we had a cup each.

4823. But did you see beer produced, and put on the table for everybody that was not paid for?—I saw several cans brought in; I do not know who paid for it.

4824. What was done with the cans?—It was poured out, I believe.

4825. For the company?—Yes.

4826. Mr. Justice *Blackburn*.] I thought you said you paid for what you got?—One cup when I came downstairs.

4827. Mr. *Giffard*.] Did you have more than one cup?—I drank out of the can.

4828. But did you pay for that?—No; I do not know who did.

4829. How long did this drinking go on?—I cannot say.

4830. I mean, how long were you there?—I should think till about half-past 10; it may be very near 11.

4831. What time did the drinking begin?—After the meeting.

4832. What time?—I should think it must be going on for 10 o'clock against the meeting was closed.

4833. It would be about an hour that the drinking lasted?—That I stopped there.

4834. Was the drinking going on when you left?—I cannot tell; I had some as long as I stopped there.

Re-examined by Mr. *Fitzjames Stephen*.

4835. How many people were there in this place?—I should think there would be 150 in the room. I am not a particular good judge in the quantity; more than 100.

4836. And that was at the meeting, was it?—Yes.

4837. Where was the room where you had the beer?—The kitchen.

4838. How many people were there in the kitchen?—I should think about a dozen.

4839. That was after the meeting was over, was it?—Yes.

4840. Do you know whether the municipal elections were on at that time?—No; that was over by that time, I believe.

4841. There were about a dozen you say in the room, in the kitchen?—Yes; I ask your pardon, I do not think it was over at that time; I am not quite confident.

4842. You think it was going on then?—It may have been; I do not know the date.

4843. Did you vote at that?—Yes.

4844. Perhaps that would remind you?—No, not of the date.

4845. Who were these men who were drinking in the kitchen?—I almost forget who they were now. I dare say I could mention one or two who sat with me when we came down the stairs.

4846. Had anybody told you to go in, or did you go in of your own accord when you came down from the meeting?—I went in of my own accord, and paid for my cup of beer.

[The Witness withdrew.]

Mr. *Chandos Leigh* stated that he proposed to give some evidence with reference to the accounts of the election expenses.

Mr. Justice *Blackburn* called the attention of Mr. *Fitzjames Stephen* to the fact that there was a want of evidence to connect with voters the payments alleged to have been made to watchers by a disguised person.

Mr. *Fitzjames Stephen* pointed out to his Lordship that the item for watchers in the accounts was a very large one.

Mr. *Giffard* stated that his case would be that not a single voter had been employed as a watcher.

Mr. *Chandos Leigh* stated that while the accounts were being fetched he would examine John Davis.

JOHN DAVIS, sworn; Examined by Mr. *Chandos Leigh*.

4847. ARE you a labourer?—Yes.

4848. Do you live at Wribbenhall?—Yes.

4849. Do you work for Mr. Hemming, Spring Grove?—Yes.

4850. Are you a voter?—Yes.

4851. For whom did you vote?—Mr. Lloyd.

4852. Did the other side ask you for your vote?—Yes.

4853. Who asked you?—Mr. Glass.

9.

4854. Was he alone at the time?—No, there was some one else with him.

4855. Who else was with him?—Mr. Gardener was with him for one.

4856. Anybody else?—Mr. Jackson.

4857. Is that Mr. William Jackson?—Yes, I believe it is; I do not know his name.

4858. Did anybody come to your house again afterwards

S. Smith.

22 January
1869.

J. Davis.

J. Davis. afterwards about your vote?—No, besides Mr. Jackson, he come.
 22 January 1869. 4859. When did Mr. Jackson come?—It was after Mr. Glass come.

4860. Did he come twice to your house?—Yes.

4861. The second time, did he come alone or with other people?—He came to the house alone.

4862. What did he say to you?—He tapped me on the head like this here (*describing it*), and said, "I want you outside."

4863. Did you go outside?—Yes.

4864. Did he say anything to you when you got outside?—Yes; he said, "How is it you cannot promise your vote to Mr. Glass?" and he put his hand in his pocket, and he pulled out 3 d., and he gave me a pint of beer.

4865. Mr. Justice *Blackburn.*] Do you mean that he gave you a pint of beer to drink, and 3 d. to get a pint of beer with?—He gave me the 3 d. to get a pint of beer with.

[The Witness withdrew.

JOHN PAGETT, sworn; Examined by Mr. *Chandos Leigh*.

J. Pagett. 4866. ARE you under-gardener to Mr. Hemming at Spring Grove?—Yes.

4867. And are you a voter?—Yes.

4868. Whom did you for vote?—Thomas Lloyd.

4869. Were you invited to Mrs. Hinton's, at the "Coach and Horses," during the election?—Yes.

4870. Who came to you about that?—William Jackson.

4871. And where did he come to you?—In the garden.

4872. At Mr. Hemming's?—Yes.

4873. What did he say?—He asked me if I would come down and enjoy myself at night, along with a party that was going to meet there.

4874. Enjoy yourself where?—At Mrs. Hinton's.

4875. At the "Coach and Horses"?—Yes.

4876. Did he say anything else?—No, I do not think he said anything else.

4877. Did he say what was going on at the

"Coach and Horses" to afford you enjoyment?—No; he merely said there was a meeting there, and some drink to be had, and I was to come down and enjoy myself along with the rest.

4878. Did you go to the "Coach and Horses"?—No.

Cross-examined by Mr. *Giffard*.

4879. Who is that you are speaking of that said this, "Come down and enjoy yourself"?—No one said I was to come down; he came in and invited me.

4880. Who is "he"?—William Jackson.

4881. When was this?—I could not tell the date.

4882. About?—I think it was the beginning of November; some time then.

4883. Mr. Justice *Blackburn.*] Was Sir Richard Glass's name mentioned?—Yes; he said that it was likely Sir Richard Glass would meet me there.

[The Witness withdrew.

ALEXANDER FAULKNER, sworn; Examined by Mr. *Chandos Leigh*.

A. Faulkner. 4884. WHO are you?—Gardener to Mr. Hemming.

4885. Gardener to Mr. Hemming, at Spring Grove?—Yes.

4886. Is Spring Grove at Bewdley?—Near Bewdley.

4887. Are you a voter?—Yes.

4888. For whom did you vote?—Mr. Lloyd.

4889. Were you ever canvassed for Sir Richard Glass?—Yes.

4890. Who by?—Mr. Bury.

4891. Did you ever see Mr. Jackson during the canvass?—Yes.

4892. Where?—At Spring Grove.

4893. Did he say anything to you?—He came

to invite me to meet some friends at Mrs. Hinton's, at the "Coach and Horses," in Wribbenthal.

4894. Did he say anything?—Merely invited me to meet some friends at Mrs. Hinton's; that is the only thing he said to me.

4895. Did he mention Sir Richard Glass's name?—Not to my remembrance; I do not think he did.

4896. Did you go there?—No.

4897. Did he say what was to go on at Hinton's?—No; I objected to go there, and I did not ask him any questions.

[The Witness withdrew.

WILLIAM NICHOLS MARCY, Esq., further Examined by Mr. *Chandos Leigh*.

W.N. Marcy, Esq. 4898. HAVE you the accounts furnished to you by Sir Richard Glass's agents?—Yes (*handing them in*); that is all I have received.

4899. Have you looked them over?—No, I have not.

4900. Is that a detailed statement?—Yes.

4900.* Are the bills and the vouchers there?—All that came in; that is all that I had.

4901. The last page, I see, is an abstract, not a detailed statement?—Yes; it is not made by me; I have nothing to do with that whatever.

Mr. *Chandos Leigh* called the attention of his Lordship to the fact that, by the 4th section of the 26th & 27th Vict. c. 29, a detailed statement is to be sent in, together with bills and vouchers.

4902. Mr. *Chandos Leigh* (to the Witness).] You cannot say; you have not looked it through, and you cannot say whether the bills and vouchers have been sent in?—No; I have not looked through either of them, for they were only delivered to me the very last day.

Cross-examined by Mr. *Giffard*.

4903. I suppose the other side, Mr. Lloyd, sent you in his?—Yes.

4904. Let me see those?—That came within the prescribed limit (*handing a batch of papers in*). I have had a supplemental list since, with a note (*handing it in*): “Mr. Lloyd thinks the next

account should be filed with the others, to verify the general statement; I think it is not usual to do so.”

4905. Mr. Justice *Blackburn*.] That list was sent in after the prescribed date, as I understand?—Yes.

W.N. Marcy,
Esq.
22 January
1869.

[The Witness withdrew.

HENRY HUNT re-called, and further Examined by Mr. *Sturge*.

4906. Before the day of the election, had you seen any people watching in the streets?—No.

4907. Never saw anybody?—No.

4908. Did you see people walking about?—Yes.

4909. At night?—Yes.

4910. Together or alone?—Alone.

4911. Have you seen men walking about in twos and threes?—No.

4912. Do you know Adam Danby?—No.

4913. What were these men doing that you saw?—Walking round.

4914. How long?—They was walking several days.

4915. How long at a time?—All day.

4916. The same people all day?—Yes.

4917. Can you tell me any people that you saw?—Charles Crump.

4918. Anybody else?—Edward Field.

4919. Anybody else?—John Crump.

4920. Can you tell me anyone else?—No.

4921. Just think?—No; I cannot tell anyone else.

[The Witness withdrew.

H. Hunt.

JOSEPH DARK, sworn; Examined by *Chandos Leigh*.

4922. WHAT are you?—A Labourer.

4923. Where do you live?—In Lax-lane.

4924. Are you a voter?—No; a non-voter.

4925. Did you see any people watching?—Yes.

4926. What were they doing?—Walking backwards and forwards in front of the houses; the voters' houses.

4927. For how long at a time?—Oh, I see them many times as I have been walking; I was not a watching then particularly.

4928. How were they walking, singly?—Sometimes there would be two together, and sometimes one.

4929. Did the same people walk two nights running, or not?—That I could not say.

4930. Did you know any of the people who were walking backwards and forwards?—Yes.

4931. Will you mention some of the people whom you know who were walking backwards and forwards?—There was Edward Field, for one.

4932. Where does he live?—In Lax-lane.

4933. Anybody else?—Oh yes; there was Benjamin Darks I saw.

4934. Where does he live?—Lax-lane.

4935. Anybody else?—James Davis.

4936. Where does he live?—Lax-lane.

4937. Anybody else?—I do not know the man's name; there was a man from Mr. Shaw's, Winterdyne; he is the cowman there.

4938. You do not know his name?—No.

4939. Do you know if he is a voter or not?—That I cannot say.

4940. Do you know a man of the name of Henry Millward?—Yes.

4941. Did you see him?—I did not see him watching; I heard him say that the watching was not paid.

4942. Where does he live?—Up the Welch Gate somewhere.

4943. Anybody else; do you know a man called Danby?—Adam Danby?

4944. Samuel?—Yes.

4945. Did you see him?—Yes, and Adam.

4946. Where do they live?—They live up at the Welch Gate somewhere; I cannot say exactly.

where; the Welch Gate or Sandy Bank; I cannot say.

4947. Charles Hobbs?—No; I did not see him watching.

4948. Benjamin Smith?—No; I heard him say he was a watching, I did not see him.

4949. William Baker?—No.

4950. James Lander?—I heard him say he was watching, I did not see him.

4951. William Pountney?—No.

4952. Did you see any of these people at Mr. Pardoe's house afterwards?—No, not that I know.

4953. Did you see them at all afterwards?—I see them about after the election was over inquiring about pay, that was all.

4954. What were they doing?—They were standing together when the others had been paid, and wanted to know when they were going to be paid.

4955. Mr. Justice *Blackburn*.] Standing together where?—On the bridge, talking about being paid.

4956. Mr. *Chandos Leigh*.] Standing together on the bridge?—Yes.

4957. Did you ever see any standing round at Mr. Pardoe's office?—Yes, a good many there were.

4958. At Mr. Pardoe's office?—At Mr. Pardoe's door.

4959. When was that?—Two days after the election, I think it was, as they were being paid; there was a great quantity, a regular crowd for the two or three days in front of the office.

4960. Who was standing there?—I could not possibly say, but they were men, women, and all together.

4961. Did you see any of the people whom you had seen watching, standing there?—Yes; I met Field by the door of the front office several times, and saw him go and talk to the others, but he did not stop particularly, because he was in work after the election.

4962. You say you saw a great number of people there?—Yes.

4963. Were they voters or non-voters?—I could not say that.

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4964. Do

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J. Dark.

22 January
1869.

4964. Do you know?—No.

4965. Were any voters?—I cannot say.

4966. Can you name anybody besides Edward Field?—Well, I could not particularly.

4967. Were they quiet or noisy?—Pretty quiet what I see of them; I was not particularly looking at them.

Cross-examined by Mr. *Giffard*.

4968. I think I caught you to say that Ned Field worked after that; where did he work?—For Mr. Pountney.

4969. Is that two doors from Mr. Pardoe's?—Yes; it will be two doors.

[The Witness withdrew.]

ISAAC LEVERTON, sworn; Examined by Mr. *Fitzjames Stephen*.

I. Leverton.

4970. ARE you a Waterman in the employment of Mr. Danks, at Stourport?—Yes.

4971. Do you work on the river?—Yes.

4972. On the day before the election where were you?—Going down the Bristol Channel; oh, I ask your pardon, the day before the election.

4973. Yes, the 16th?—Going down the Bristol Channel.

4974. Did you get to Bristol Quay?—On the Sunday night, that was the 15th.

4975. You were at Bristol on the Sunday, were you?—On the Sunday night about 10 o'clock.

4976. Was there a man of the name of Burton with you there?—Yes,

4977. Is he a waterman too?—Yes.

4978. And is he in Mr. Danks's employ?—Yes.

4979. Is he a voter for Bewdley?—Yes.

4980. And are you a voter for Bewdley?—Yes.

4981. Mr. *Chandos Leigh*.] Were there any other of Danks's ships at Bristol at the time?—Yes.

4982. Had they men in Danks's employment on them?—Yes.

4983. Do you know a man called William Rowley?—Yes.

4984. In whose employment is Rowley?—In Mr. Rogers's.

4985. Is that Mr. Joseph Rogers?—Yes, I think so.

4986. Of Bewdley?—Of Stourport.

4987. Did Rowley ever work as a waterman?—Yes.

4988. Whom did he work for then?—I cannot say.

4989. Did Rowley come to you?—Yes; he came on to Bristol Quay.

4990. Did he say anything to you?—He did not say anything to me; he only said he was come for one or two men on the vessel, he did not say on what occasion.

4991. To take them where?—He told me that he wanted them to go to Stourport.

4992. Did he say that to anybody else?—He did not say that particularly to me, he said it to some others.

4993. Did you hear him?—Yes; I did hear him, but he did not mention my name.

4994. Was there a man called Burton there?—Yes.

4995. Did he mention it to him?—Yes.

4996. What was done after that; was there another vessel there?—Yes.

4997. Did you go with Rowley to the other vessel?—Yes.

4998. Did you find any men there in the other vessel?—Yes, there were some men there.

4999. How many?—Two.

5000. Whose employ were those men in?—Mr. Danks's.

5001. Were they Bewdley voters?—One was.

5002. What was his name?—Parmenter.

5003. Did you go to the railway?—Yes.

5004. Who did you go to the railway with?—Along with the other two men and Rowley

5005. Did you take a ticket at the railway?—I did not take any ticket; the ticket was given to me outside, I did not go in at all.

5006. Where was the ticket for that was given you?—To Gloucester.

5007. By whom was the ticket given you?—I cannot say who gave it me, I was outside, I did not take particular notice who gave it me.

5008. Some one came up and gave you a ticket of whom you took no notice?—No.

5009. Was that Rowley?—No, it was not Rowley.

5010. Was it one of the lot you were with who gave you the ticket?—Yes.

5011. What time was that?—About two o'clock.

5012. Did you get into the train?—Yes.

5013. Did you go to Gloucester?—Yes.

5014. Did the other people go with you to Gloucester?—Yes.

5015. And did Rowley go with you to Gloucester?—Yes.

5016. Did you stop at any public at Gloucester?—Yes.

5017. Did you have anything to eat or drink when you were at that public?—We had some beer.

5018. Did the other men have some beer?—Yes.

5019. Did you pay for the beer you had?—No.

5020. Did you see anybody pay for it?—No, I did not see anyone pay for it.

5021. Who ordered the beer?—One of the men in the company.

5022. What was his name?—I did not take particular notice who it was called for the beer.

5023. Did you see any other man pay for the beer?—No.

5024. Where was Rowley; was he there?—No; he was gone out.

5025. Where was he gone to?—I do not know where he went to.

5026. Did Rowley come back afterwards?—Yes, he came back.

5027. Did you go to the railway station again after that?—Yes.

5028. The same lot?—Yes, the same lot.

5029. With Rowley?—Yes.

5030. Did you get a ticket then?—Yes.

5031. Did you take that at the ticket-office?—I did not go to the office only on the platform. I did not go into no office at all.

5032. How

5032. How did you get the ticket?—One of the men gave me a ticket off the platform again.
 5033. Was it the same man who gave it to you at Bristol?—No, it was one of the others.
 5034. Was it one of the same lot as gave it you before?—Yes, it was one of the same lot.
 5035. Where was the ticket for?—For Stourport.
 5036. Did the train stop at Worcester?—Yes, it stopped at Worcester.
 5037. Was there any refreshment taken at Worcester?—A drop of beer.
 5038. Did you pay for it?—No.
 5039. Did you see any man pay for it?—No, I did not see any money pass at all.
 5040. Did you come to Stourport then?—Yes.
 5041. That same night?—Yes.
 5042. Did you vote the next day?—Yes.
 5043. Whom did you vote for?—Mr. Glass.
 5044. Have you always voted on the Tory side before?—Never voted before.
 5045. Have you voted at the municipal election?—I have never voted in my life before.
 5046. Just tell me this; were you canvassed for your vote?—No; I never was canvassed by no one; not to be forced to vote; not at all.
 5047. Did anybody ask you to give your vote for anybody?—That morning?
 5048. No; at all during the election?—Yes.

I saw Mr. Rogers, and he asked me if I had any inclination to vote as I had not voted before, and I told him I did not wish to vote for either party.
 5049. Anything else?—No, nothing.
 5050. How long before was that?—I cannot say; a month.
 5051. Where was that?—On a wharf at Stourport; on the wharf where I was at work.
 5052. Did you see Mr. Rogers asking others of your men?—No, never spoke to Mr. Rogers after.

I. Leverton.
 —
 22 January
 1869.

Cross-examined by Mr. *Giffard*.

5053. Did you ever promise to vote for Sir Richard Glass?—No.
 5054. Not at any time?—Not at any time.
 5055. Then you came up and voted for him of your own accord?—On my own accord.

Re-examined by Mr. *Chandos Leigh*.

5056. You say you came up and voted for him of your own accord?—Yes.
 5057. Should you have come if you had not been fetched?—No, I should not have come to have voted; not on any side.

[The Witness withdrew.

RICHARD MILLINGTON, sworn; Examined by Mr. *Chandos Leigh*.

5058. WHERE do you live?—At Stourport.
 5059. What are you?—A waterman.
 5060. In whose employ?—Mr. Danks and Saunders.
 5061. Are you a voter?—Yes.
 5062. For whom did you vote at the last election?—Mr. Glass.
 5063. On the 16th of November were you at Bristol?—I was there the day before the poll.
 5064. Where were you?—At Bristol.
 5065. On a vessel?—Yes.
 5066. Were there any other men in the vessel with you?—Yes.
 5067. Who?—Three more.
 5068. What were their names?—Two Darks, I cannot say the other name.
 5069. Were the Darks voters?—No.
 5070. Were you the only voter on the vessel?—For all I know.
 5071. Was the third man a voter, the other man?—Not that I am aware of.
 5072. Do you know a man named Rowley?—Yes.
 5073. Did he come to you on the vessel?—Yes.
 5074. Did he say anything to you when he came to you on the vessel?—He was talking about the election; he asked me who I was going to vote for; I told him Mr. Glass.
 5075. Did you say anything else?—I said I had no money to come up, not to pay my expenses; he said he would lend me some to pay my expenses if I would return it again; I promised him that I would.
 5076. Did he lend you any?—Yes.
 5077. How much?—About 25 s. altogether.
 5078. Have you paid it him back again?—No, not yet.
 5079. Has he asked you to pay it back again?—Yes.
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5080. When?—I told him I would pay it when it was convenient.
 5081. When did he ask you to pay it back again?—A week ago.
 5082. Where was it that he asked you to pay it back again?—At Stourport.
 5083. Where were you when he asked you to pay it back again?—At Stourport, in the road.
 5084. Was he alone when he asked you to pay it back again?—Yes.
 5085. Is that the only time he has asked you to pay it back again?—Yes.
 5086. What did you do with the 25 s. he lent you?—Paid the trainage up, and expenses down again.
 5087. Where did you take a ticket from?—From Bristol.
 5088. Did you take a return ticket or a single?—A single.
 5089. What class did you go?—Third.
 5090. What was your fare?—Eleven and eleven-pence altogether, the trainage.
 5091. Eleven and eleven-pence, there and back?—No, up to Kidderminster.
 5092. From Bristol to Kidderminster was 11 s. 11 d.?—Yes.
 5093. Did you go alone or in company with other men?—There were other men in company.
 5094. Do you remember any of their names?—No, I cannot say their names now.
 5095. Were they fellow-workers of yours?—Some were.
 5096. Was a man called Leverton there?—Yes, he was one in company.
 5097. Was Burton there?—Yes, Burton was in my company.
 5098. Did you go together, Burton, Leverton, and yourself?—We was together some of the time.

R.
Millington.

R.
Millington.
—
22 January
1869.

509t. Did you go in the train together, did you go by the same train?—Yes.

5100. Did Rowley go with you?—He was in company.

5101. In the same train, was he in the same carriage?—No, not in the same carriage as I was.

5102. Did the other men take their tickets themselves?—I do not know.

5103. Did you see any of the other men take their tickets?—I did not see them at all take their tickets.

5104. Did you stop anywhere on the road?—We stopped once.

5105. Where?—At Gloucester.

5106. Did you have anything to eat or drink there?—We had some beer.

5107. Did you pay for the beer?—I paid for some.

5108. Did you pay for all the beer you had?—I did not pay for all; I paid for some; I do not know what I had.

5109. I now ask you, did you pay for all the beer you had?—No, not all I had.

5110. Who paid for the beer, that you did not pay for?—I cannot say.

5111. Did you see it paid for?—No.

5112. Was Rowley with you at the time?—No.

5113. Had he stopped with you at Gloucester, had he stopped with you when you stopped at Gloucester?—Yes, he stopped.

5114. Did he come to the house with you when you had the beer?—No.

5115. Did he come there at all?—Not as I see.

5116. Did you see him after?—Not to my recollection.

5117. Now just understand my question; did you see him after the time that you left the place where you had the beer till you got to Stourport or to Kidderminster?—I see him once during the time.

5118. Where?—At Kidderminster.

5119. How much money did you pay for the beer?—Oh, I cannot tell.

5120. About?—I cannot tell how much I paid for the beer.

5121. Was it a shilling, or two shillings, or what?—It may be more than that.

5122. Might it be three shillings?—It may be three shillings, I cannot say.

5123. Did you drink all that three shillings worth of beer, or all the beer you paid for yourself?—No.

5124. What you did not drink yourself, whom did you give it to?—Them that was with me.

5125. Do you remember any of the names of those to whom you gave beer?—No, I cannot.

5126. Where they your fellow-workmen?—They was in company with me.

5127. But were they Danks's men?—Yes.

5128. You say you gave beer to those who were in company with you, and those were Danks's men, and you say you work for Danks?—Yes.

5129. Now, can you say any of the men to whom you gave the beer?—I cannot say that I gave it them, because we were drinking together.

5130. Did they drink any of the beer that you paid for?—Yes.

5131. Now, can you tell us any of the men who drank any of the beer that you paid for?—No.

5132. Was Leverton there; did he take any?—I do not know; I cannot say.

5133. Was Burton there?—I cannot say.

5134. Did any of the others order beer besides yourself?—Yes.

5135. Did they pay for it?—Yes.

5136. Did you see them pay for it?—Yes.

5137. Now, you say you saw Rowley again before you got to Stourport; you saw him at Kidderminster, you told us?—Yes.

5138. What happened at Kidderminster?—I cannot recollect now.

5139. Did Rowley speak to you at Kidderminster?—I do not know particularly.

5140. Did you stop at Worcester?—Yes, we stopped at Worcester.

5141. Did you have any beer at Worcester?—A little.

5142. Where was that?—At Worcester.

5143. At the station, or in an hotel?—In the town.

5144. Did you pay for that beer?—Some of it.

5145. How much did you pay at Worcester?—I cannot say.

5146. Can you say about; was it one or two shillings?—I cannot say what it was for certain.

5147. Did other men have beer there?—Yes.

5148. Did you see them pay for that?—Not to my recollection.

5149. Was Rowley there then whilst you were having the beer?—I do not know; I did not see him there.

5150. Had you seen him at Worcester station?—I see him at the station.

5151. Now you told us that you paid 11s. 11d. for your trainage; did that include the money you paid for the beer, or was that the ticket alone?—The ticket alone.

5152. When you got to Kidderminster, what happened; did you come on to Stourport?—Yes.

5153. Did you vote at Stourport?—Yes.

5154. Did you stay at Stourport all night?—Yes.

5155. Where did you stay?—At my own home.

5156. How did you come over from Kidderminster to Stourport?—I met with a friend on the way; he asked me to ride in a cart.

5157. Who was the friend?—I do not know.

5158. You called him a friend; was he a person that you had seen before?—Yes.

5159. A person you had seen, but whose name you did not know?—Yes.

5160. Did the other men who came with you from Bristol meet with friends too?—I do not know.

5161. Did any other of the men come with your friend in a trap?—I cannot say; I have nothing more to say.

5162. Were you alone with your friend in a trap?—I do not know.

5163. Where was it that you met with your friend?—Coming on the road.

5164. How far from Kidderminster?—Just out of the town.

5165. At the railway station, or at the other end?—At the railway end.

5166. Your friend in the trap met you at the railway station; can you answer that question?—I have no more to say.

5167. I want to hear a little more; did your friend in the trap meet you at the railway station?—No, he did not.

5168. Where did he meet you?—He was going along the road, and so was I.

5169. How

R.
Millington.
22 January
1869.

5169. How far from the railway station?—I cannot say; half-a-mile perhaps from the station.

5170. Were you walking alone then, or other of the men walking with you?—Others in company.

5171. Was Rowley with you?—I cannot say.

5172. Was Leverton or Burton with you?—I cannot say.

5173. Was a man called Bishop with you?—I cannot say.

5174. Can you tell me anybody who was with you by name?—I cannot say; not now.

5175. Did you get into the trap; was he driving along, or was the trap standing still?—Driving along.

5176. And your friend pulled up?—Yes.

5177. And offered to give you a lift?—Yes.

5178. You say you do not know who it was?—No.

5179. Can you tell us this; did you get into the trap alone, or did any of the other men you were walking with get into the trap with you?—There were one or two got in; I cannot recollect.

5180. Did Rowley get in?—I do not know.

5181. You say you went to Stourport; where did you stay at Stourport?—At my own home.

5182. Did you poll the next day?—Yes.

5183. For Sir Richard Glass?—Yes.

5184. After you had polled for Sir Richard Glass, did you go anywhere?—I walked about.

5185. Did you have anything to eat and drink?—No.

5186. Did you go back to Bristol again?—Yes.

5187. When did you go back to Bristol again?—On the Wednesday after.

5188. The next day, that would be?—The next day after.

5189. How did you get back to Bristol?—Went back by the train.

5190. What class did you go back by?—Third class.

5191. Did you take your own ticket?—Yes.

5192. What did you pay?—I cannot tell now how much it was.

5193. You cannot tell how much it was?—No.

5194. Did you take a through ticket to Bristol?—No; part of the way.

5195. Where did you take it to?—From Gloucester to Bristol.

5196. How did you get to Gloucester?—Went down by the steamer.

5197. What steamer?—One of the tug boats.

5198. Had you anything to pay for going by the tug boat?—No.

5199. Will you tell us what you paid for Gloucester to Bristol, third class?—I cannot say how much it was now.

5200. Were your full wages for the week paid?—I do not work by the week.

5201. How do you work?—By the trip; so much for the voyage.

5202. Were your wages for that voyage paid?—Yes.

5203. Who by?—By Mr. Danks.

Mr. Giffard stated that he would not ask this Witness any questions.

[The Witness withdrew.]

GEORGE ANDERSON, sworn; Examined by Mr. Fitzjames Stephen.

5204. You are Clerk to Mr. Crowther, I think?—I am.

5205. He is the paid agent of Sir Richard Glass in this matter?—I believe he is.

5206. Is that your hand-writing (*handing an envelope to the Witness*); look at the stamp on the envelope?—Yes.

5207. That is your hand-writing?—Yes, I believe it is.

5208. You do not doubt it, I suppose?—No; I think it is mine.

5209. Now look at that circular which it contains?—Yes.

5210. Did you send out that circular to that address from your office?—Yes.

5211. Did you send out other copies of that circular?—Yes.

5212. Give me a notion how many you sent out?—Perhaps 60 to 70.

5213. Is that "John Taylor" your hand-writing?—Yes; I first consulted Taylor, and asked for his permission, and he said, "I am not a good writer myself."

5214. You wrote it by his authority?—Yes.

5215. Were you authorised by Mr. Crowther to send out that circular?—No; I am not aware that I was.

5216. Did you do it as Mr. Crowther's clerk?—It was handed to me to be sent out, but I did not know in what way it was.

5217. It was in Mr. Crowther's office, I suppose?—Yes; I sent them out from the office.

5218. And on his paper, his envelopes?—Some of them perhaps; we use several sorts of envelopes, and I catch hold of the first I come to.

5219. How came you to send out this thing?—At the request of Taylor. (*A circular was handed to his Lordship.*)

5220. In this circular, Taylor is described as the chairman of the working men's committee?—Yes.

5221. What committee was that?—A committee of the Working Men's Conservative Association.

5222. But that is a different thing; look here, just read this; read it to yourself (*handing a circular to the Witness*); now you see that that circular is about establishing a Conservative Working Men's Association?—Yes.

5223. Then that working men's committee must have existed before?—I am not aware of that.

5224. You see there is Taylor's signature to that?—Yes.

5225. And it describes him as chairman of the working men's committee?—Yes.

5226. And it asks the person to whom it is addressed to help in establishing a Conservative Working Men's Association?—Yes.

5227. Then the working men's committee must have existed before the Conservative Working Men's Association?—That committee I know nothing at all about.

5228. Do you know Taylor?—I know Taylor.

5229. Did you get that circular printed?—I believe Taylor brought them to me over-night.

5230. Mr. Justice Blackburn.] Brought them printed overnight, do you mean?—I believe he brought them overnight, and asked me to sign them as he was a very bad writer.

M 3

5231. Mr.

G. Anderson.

12 January
1869.

5231. Mr. Giffard.] My Lord asked you whether it was printed?—Printed.

5232. Mr. Fitzjames Stephen.] Do you know any other members of that committee, the working men's committee; I want to know what it was?—There was no working men's committee.

5233. Then why did you send out a thing with "Working Men's Committee" on it?—It was brought to me to be sent out.

5234. Why did you send out a thing of that kind, simply because it was brought to you?—At Taylor's request, I sent it out.

5235. Did you know Taylor before?—Yes.

5236. Why did you send it out at Taylor's request; you would not send it out at anybody's request?—Because Taylor, I believe, was to be appointed chairman of the association.

5237. He was chairman of the working men's committee before that?—The committee I know nothing about.

5238. Do you know about the association?—Yes.

5239. Were you a member of that?—I am.

5240. Was Taylor a member of that?—He is.

5241. Was he chairman of that?—He was.

5242. Mr. Giffard.] Of the association or of the committee?—The association.

5243. Mr. Fitzjames Stephen.] Were you present at the meetings?—Some of them.

5244. Were you secretary of it?—I am.

5245. Was that association intended, amongst other things, to further the election of Sir Richard Glass?—No; I should think not.

5246. Had nothing to do with the election?—Not that I am aware of.

5247. Do you mean to swear that the association took no part in Sir Richard Glass's election?—Not that I am aware of.

5248. But you must know, because you are secretary?—Yes; but I had very little to do with the getting up of it.

5249. You are secretary to it?—Yes; I was appointed secretary to it, but I was not helping to get it up at all.

5250. I did not say you were; but, as secretary, did you know its business?—No.

5251. Have you got the rules?—Yes.

5252. Have you got the accounts?—Yes.

5253. Now, let us look at the rules?—(The Witness handed a book of rules to Mr. Fitzjames Stephen.)

5254. I see the president is Joseph Rogers, Esq.?—Yes.

5255. That is Mr. Rogers, there (pointing to a gentleman)?—Yes.

5256. And then Mr. Radford, whose name has been mentioned, is one of the vice-presidents?—I believe he is.

5257. You say there is a committee of 14 members?—Yes.

Mr. Justice Blackburn observed that the rules, if handed to him, would speak for themselves.

5258. Mr. Fitzjames Stephen.] The object of the association are "the furtherance and maintenance of Conservative principles; to attend the borough registration; partial relief in sickness, and to support by every fair means the Conservative cause"; now the object of this association is the furtherance and maintenance of Conservative principles?—Yes.

5259. Did it not seek to further and maintain

Conservative principles by procuring the election of Sir Richard Glass?—I should think not.

5260. Do you mean to say it took no notice of the election?—It made no difference to it, that I am aware of.

5261. Do you mean to swear it took no notice at all in furthering the election of Sir Richard Glass?—I should think not.

5262. Will you swear it did not?—No.

5263. You will not swear it did not?—I will swear it did not, to the best of my knowledge.

5264. Does your knowledge go far enough to enable you to say it did not?—My knowledge does not go far enough.

5265. Then it may have done so, for what you know?—It may have done so, for what I know.

5266. And you are secretary?—I am secretary.

5267. Did you ever see Sir Richard Glass in connection with that association?—No.

5268. Or at its meetings?—No.

5269. Do you remember a meeting at Mr. Rogers's park; Mr. Rogers's grounds?—I do.

5270. That was a great meeting; a large number of persons?—Yes.

5271. Mr. Justice Blackburn.] What was the date?—I believe it was the 5th of September.

5272. Mr. Fitzjames Stephen.] Was not that meeting at the time that this association was established?—Yes.

5273. It was given in connection with the establishment of the association?—It was given; yes, in connection with the establishment of the association.

5274. And was Sir Richard Glass present at that meeting?—He was.

5275. Did he make speeches?—He made a very short speech.

5276. You are treasurer, are you?—I am not.

5277. You have got the accounts and things?—Yes.

5278. Let me look at it?—(The Witness handed in an account book to Mr. Fitzjames Stephen.)

5279. It appears from this cash account that the funds of the society were 7 l. 8 s. Is this the whole?—No; there are several honorary members. I believe some of them promised five guineas, some more, towards paying for the administration, but at present the secretary has not had time to get them in.

5280. The book shows 7 s. 6 d. creditor, and 6 d. expenses.

5281. Mr. Giffard.] I see; "To entrance fee refunded by Wright, 6 d."?—Yes.

5282. Mr. Fitzjames Stephen.] That is all you ever spent?—Yes.

5283. Were there any other accounts connected with the society than that?—Not that came into my hand.

5284. Do you know, as secretary, what the condition of the society was?—Mr. Radford was honorary secretary; he had to get in the subscriptions.

5285. Then were you paid, as he was the honorary secretary?—No.

5286. You mean Mr. Radford was honorary treasurer?—Honorary secretary for the time being.

5287. Have you heard this Mr. Taylor make speeches?—Yes, I have.

5288. Where?—At one of our meetings at the "Lion."

5289. Who was in the chair there?—Well, I think

think Mr. Rogers, when he had this meeting. I think he made a speech then.

5290. When was it Taylor made the speech you speak of?—When we sent to invite these men to join, Taylor made a speech then.

5291. When was it you sent to invite these men?—

Mr. Justice *Blackburn.*] The circular shows that the circular is dated, Friday the 28th of August, and this asks them to be at a meeting held this evening at the "White Lion" hotel.

5292. Mr. *Fitzjames Stephen.*] Who was present at the meeting at the "White Lion" hotel?—Taylor was there.

5293. Was Mr. Rogers there?—I think he was.

5294. Mr. Radford?—I think he was.

5295. Were there speeches made?—I think Taylor made one.

5296. Was Sir Richard Glass there?—No.

5297. Had the speeches made any reference to the election?—Some Kidderminster friends came down and made a speech.

5298. Did the speeches made, and Taylor's speech in particular, have any reference to the election?—No.

5299. What were they all about?—He was talking about Bright, and various other things; I cannot recollect now.

5300. I dare say about Mr. Gladstone and the Irish Church?—Probably it may be; I cannot recollect now.

Cross-examined by Mr. *Giffard.*

5301. I suppose you heard a good many speeches on somewhat similar subjects during the period from August to November?—Yes.

5302. You do not remember them all?—No; it would be impossible to remember them all.

5303. Tell me about this demonstration; we have heard it was held on the 5th of September?—It was.

5304. Was there a large number of persons who came over from Kidderminster?—Yes.

5305. How many?—800 or 900.

5306. After what we have heard, I may take it that the majority of the persons there were Kidderminster people?—They were.

5307. There was a contested election at Kidderminster also?—There was.

5308. And was the intending Member for Kidderminster, the candidate, present?—Yes.

5309. He made a speech?—Yes; and the county Member, Mr. Knight, was there.

5310. Did he make a speech?—Yes.

5311. One word about the cash accounts my learned friend referred to; is that an account simply of what comes through your hands as secretary?—Yes.

5312. In that account that you have given is there any notice of disbursements made by the treasurer, or receipts by the treasurer?—No.

5313. Perhaps I ought to add one other question about the demonstration; had you any representatives from the Conservative Constitutional Union of London?—Yes, Mr. Edwards, I believe; I am not certain now.

5314. I am told that you are in error about that; was it Mr. Clark or Mr. Edwards?—Mr. Clark; Edwards came from Birmingham, I believe.

9.

Mr. Justice *Blackburn.*] Is this 28th of August meeting one at which there was alleged treating?—

Mr. *Fitzjames Stephen.*] We do not say that there was treating at that meeting.

5315. Mr. *Giffard.*] That meeting was in consequence of the circular that has been put in?—Yes.

5316. And the object of that was the demonstration?—Yes.

5317. Now the demonstration itself, and what it cost, or its accounts, those would not appear in that book that you speak of?—No.

5318. From time to time, I think, it is said that you went about with Sir Richard Glass?—Yes.

5319. And is it a fact that you did?—I did.

5320. How often do you suppose you went about with Sir Richard Glass?—Oh, several times.

5321. You cannot tell how many?—No.

5322. Did Sir Richard Glass himself canvass the voters?—He did.

5323. And did the gentleman who went with him simply introduce the voters to him to be canvassed?—Yes.

5324. I think it has been attributed to you that you had a book, in which you noticed the results; I suppose that is a fact also?—Yes.

5325. Did Sir Richard keep a book of his own as well as yours, or not?—I cannot say.

5326. Now I think it is alleged that on one occasion after you were attending Sir Richard Glass in his canvass, a Mrs. Lucas exhibited some money; let me ask this question, which will get rid of the doubt; did you ever canvass with Sir Richard in Bewdley, or only in Stourport?—Only in Stourport.

5327. I think there was some question about Radford ordering three tons of coal from Paget; were you present at any such transaction?—No.

5328. You have been asked about this man Taylor; now, so far as you know, did your employer, or did you, employ Taylor about the matter of the election at all?—No.

5329. Is Taylor in Birmingham now?—I believe so.

5330. When did you last see Taylor?—I think about Stourport on Monday.

5331. Did you see him about at Mr. Watson's or his clerk's?—No; I heard Mr. Watson—

5332. I must not ask you that; you saw him in Stourport?—Yes.

5333. Mr. Watson is the gentleman who acts for Mr. Lloyd?—I believe he is.

5334. With whom did you see this man Taylor the last time when you saw him?—He was by himself when I last saw him.

5335. Did you see him at any time since the election with Mr. Watson, or any of Mr. Watson's people?—Not that I recollect.

5336. Whereabouts in Stourport was he when you saw him on Monday last?—Walking in the street.

5337. What time of day was that?—About five o'clock.

5338. In the evening?—It may be.

5339. He was not out of the way then at all events?—No.

Re-examined by Mr. *Fitzjames Stephen.*

5340. Do you know whether there are any other

G. Anderson. other accounts kept of the society besides that cash account that has been put in?—Not to the best of my knowledge.

22 January 1869. 5341. To the best of your knowledge there were no other accounts kept besides this?—No.

[The Witness withdrew.]

Mr. *Fitzjames Stephen* called the attention of his Lordship on the point of agency to a bill for Mr. Burnish's expenses at the "Wheatsheaf."

Mr. Justice *Blackburn* observed that this bill only showed that Burnish was staying at the "Wheatsheaf" on business affecting the election.

Mr. *Fitzjames Stephen* stated that he hoped shortly to be able to produce a witness who could throw light on the question of the disguised person, and asked his Lordship to allow him to interpose that witness when he should arrive; and he stated that with that exception the case for the Petitioners was concluded.

Mr. *Giffard* submitted that the interposition of this witness ought to be only allowed within a reasonable time.

Mr. *Fitzjames Stephen* stated that the person in question was five miles off and had been sent for an hour ago.

Mr. Justice *Blackburn* stated that when Mr. *Fitzjames Stephen* was able to produce this person he (Mr. *Fitzjames Stephen*) must make a special application to him, and satisfy him that his evidence would throw light on the matter.

On Mr. *Giffard's* rising to open the case for the Respondent, Mr. Justice *Blackburn*, stated that the case which Mr. *Giffard* had specially to grapple with was that of treating, as connected with Sir Richard Glass's paid agents or their clerks.

Mr. Justice *Blackburn* inquired whether Mr. *Giffard* had a recriminatory case against Mr. Lloyd.

Mr. *Giffard* stated that he was not instructed in any way except upon a scrutiny.

Sir RICHARD ATWOOD GLASS, sworn; Examined by Mr. *Poland*.

Sir
R. A. Glass. 5342. ARE you the Respondent in this case? —I am.

5343. And in July last year did you come down to Bewdley?—I did.

5344. What was the day that you came down? —I do not remember the exact date.

5345. The 6th or 7th of July?—Somewhere about that time; the early part of July.

5346. Did you come to Kidderminster?—I did.

5347. And did you then drive from Kidderminster to Mr. Shaw's?—I did.

5348. At that time had you determined or not to become a candidate for Bewdley?—I had, subject to seeing some of the gentlemen in the neighbourhood.

5349. Consequent upon their report you intended to stand?—I did.

5350. Whose carriage was it met you at the station at Kidderminster?—Mr. Giles Shaw's.

5351. And on the way from Kidderminster to his house did you pass Mr. Pardoe's?—I did.

5352. Were you at all aware that there was any entertainment to be got up there to meet you on your arrival?—Oh, no.

5353. When you got to the gate we have heard that there were some people who cheered?—Yes, all the way, nearly from the turnpike at Wribbenhall.

5354. When the people cheered you at the gate at Mr. Pardoe's we understand you bowed; you did not get out of the carriage?—I bowed constantly all the way; I do not recollect at that particular spot.

5355. You did not get out of the carriage at Mr. Pardoe's?—No.

5356. You drove on straight to Mr. Shaw's?—Yes.

5357. Whatever the entertainment there consisted of, were you any party to it?—Oh, dear, no; I did not know at that time it was Mr. Pardoe's house.

5358. After you arrived you attended a meeting, we have heard, at the Town Hall?—I did.

5359. And you spoke there?—I did.

5360. And we have heard that a committee

was nominated?—There was some committee nominated to which I was no party.

5361. You were at the meeting?—I went there for the purpose of addressing the electors.

5362. Did the persons at that meeting who were named as the committee act for you as a committee afterwards, or not?—Oh, dear, no.

5363. Why was that; what did you do with regard to the committee?—I made up my mind before I left London that if I undertook this contest I should only take it upon my own personal responsibility, assisted by three of the most respectable solicitors I could find in the neighbourhood.

5364. In what way was the authority of the committee determined?—After the result of my address I went to Mr. Pardoe's office, as the agent for the Conservative cause; I had a conversation with him in which I explained to him that I should only undertake this contest in the particular way which I had made up my mind to before I left London, which was that I would see every voter personally, learn from himself his own views, explain my views to him as nearly as I had an opportunity at each voter's house, and with a view of letting every one make up their minds upon which side they thought they ought to vote.

5365. Did the committee ever meet and act for you in the way that committees do generally?—Oh, certainly not.

5366. You never acknowledged them after the meeting at the town hall?—Not as a committee. I may remark with a view of going further in this matter, when these gentlemen met I addressed them at Mr. Pardoe's office, "Gentlemen, some of your names are familiar to me at present, some of you are comparative strangers. I wish you perfectly to understand that I shall be very glad to receive your interest and support at this election, but as regards my canvass, it will be from house to house, and my own affair."

5367. Was there any regular committee-room where the committee met after that?—Oh, dear, no, it was considered dissolved.

5368. Your

Sir
R. A. Glass.
—
22 January
1869.

5368. Your proposition was agreed to?—It was agreed to.

5369. Were your three agents, Mr. Acton Pardoe of Bewdley, Mr. Gardener, and Mr. Crowther of Stourport?—Yes. I may say that in the first instance I had only seen Mr. Pardoe. But I suggested, was there any other solicitor in the place that I could rely on in the event of Mr. Pardoe being called away on other business? The name of Mr. Gardener was then mentioned, and I thought it right to retain him as my agent.

5370. Those three were your paid agents?—Yes.

5371. What was the date of the issuing of your address; do you remember the date?—No, I do not; probably a newspaper, or something else will call my attention to it, or the address itself might.

5372. How long was it after you came down that the address was issued?—I think within 24 hours, almost.

5373. Did you afterwards take a house down here?—No; when I found some difficulty in pursuing a personal canvass I objected to living at hotels, and a gentleman of the name of Craven was going to Scotland, where I believe he has a residence, and he very kindly offered to put his house at my disposal.

5374. You afterwards lived there?—Yes.

5375. And brought down your establishment?—I brought down my establishment.

5376. Had you any other agents but the three gentlemen whose names you have mentioned?—None but those three.

5377. What instructions did you give them?—“Gentlemen, I have employed you for the purposes of this election, and I wish you to understand now, for the first time, and I hope throughout this election, that any legitimate expenses that you consider necessary for my return I am quite prepared to pay; but bear in mind, anything that will risk my election, as a man of the world, first or last (of course the first would be the last), I hope you will not incur the slightest expense for, except for legitimate purposes such as you do know.”

5378. Did you go about canvassing regularly yourself?—I did.

5379. Both here and at Stourport?—Yes.

5380. How many of the electors do you think you saw?—If you will give me my book I will show you; it is rather dilapidated (*the book was handed to the Witness*). I think I must have seen at Bewdley probably three-fourths. From my ticks in it, and memoranda, I think I must have seen three-fourths, if not more.

5381. You had a register?—I kept this original document, which was a copy of the register of the voters. My agents had a book they called a canvass book, I believe. I merely put down my own private remarks here, as to my opinions of the voters' views.

5382. How many voters did you see at Stourport?—At Stourport I saw comparatively few. I may say that my presence at Stourport was not acceptable to the Stourport people, and I was so hooted and yelled at that I felt it quite hopeless to see any of the people.

5383. How many promises had you before going to the poll; did you reckon any majority?—Sometime before the poll I felt that I had virtually concluded my canvass in my own mind; I

find I made at that time a calculation which, if his Lordship wishes, I will give in.

5384. A majority of about how many did you reckon?—I reckoned a majority of 83, taking the worst complexion, putting it in the worst sort of way.

5385. Did you head the poll at Bewdley from the beginning?—I believe so, from the returns I received.

5386. Was there a large majority in your favour at one o'clock?—I think the largest was then.

5387. We have heard you had a majority of 100?—Yes; I heard 125 majority; I do not know what time. I believe in the middle of the day.

5388. As far as you yourself are aware, was any act of bribery, either directly or indirectly, committed by you or your agents?—Oh, dear, no; it is a thing that never entered into my mind.

5389. We have heard of meetings at public-houses where the tap was on and was stopped; you have heard the evidence offered with regard to that?—I heard that evidence.

5390. Did you in any way pay for the articles consumed at those meetings?—Oh, dear, no; I was not aware, till I had heard the evidence, that such a state of things had gone on.

5391. Did you sanction the expenditure in any way?—Not at all; I had no notion of that till I came into court.

5392. Did you know Mr. Burnish at all?—I knew him as Mr. Pardoe's clerk. I knew his name was Burnish, and that he was his clerk.

5393. Did you know that he was in the habit of ordering the beer tap to be on at these meetings, and stopping it after a certain time?—Not the slightest idea of any kind; if I had, I think I should have very soon retired from the contest as far as Mr. Burnish, Mr. Pardoe's clerk, had been concerned.

5394. Did you know a person of the name of William Jackson?—I never heard of the man. I did not know him till I heard his name mentioned in court.

5395. You have heard that he was a plumber and glazier?—Yes, from the evidence.

5396. But you say you did not know him at all as acting in the election?—Not at all.

5397. Amongst the electors had you any difficulty in finding the men at home at their houses when you went to canvass?—Oh, considerable difficulty.

5398. In consequence of that difficulty what did you do?—After calling some four or five times at all hours of the day, I suggested that as there were so many that only came home on Saturday night, if arrangements could be made that I could meet them on any Saturday night, provided it were confined to one or two meetings, I would see them and ask them their views with reference to the election; their wives having told me it was impossible I could see them unless it was on a Saturday night.

5399. Had you any difficulty, amongst others, in seeing Mr. Hemming's servants?—Oh, a great difficulty; Mr. Hemming objected to my canvassing his servants.

5400. Did you on any occasion go to any public-houses in the evening in Bewdley?—I have no recollection of going. Do you mean for the purposes of canvassing people?

5401. Yes?—No; I may, perhaps, say, with reference to that, if I were walking in the street with any one who knew the people, they would

Sir
R. A. Glass.
—
22 January
1869.

draw my attention, and say, "There is John So-and-so, he has just gone into such a house, it will save you time if you can see him"; and I may have gone into the passage.

5402. Do you remember going on one occasion to the "Rising Sun" and the "Waggon and Horses"?—Perfectly well.

5403. What day was that, or what night was that?—I think it would be a Saturday night.

5404. Do you remember what date?—I do not remember the exact date.

5405. Can you say about the time?—I should suppose sometime in October; I should fancy so. I cannot be certain, but I know that it was after I had nearly exhausted my canvass I went there.

5406. Did you go to the "Rising Sun" and the "Waggon and Horses" both on the same night?—On the same night.

5407. And when you went there what did you do?—When I went there I went to a private room.

5408. Which did you go to first?—The upper house; I do not know the signs of these houses.

5409. That is the "Rising Sun," I believe?—I believe it is.

5410. You went there first, and you went into a private room?—Yes.

5411. And what did you do there?—I saw one or two voters, who, I was given to understand, were there by appointment to see me.

5412. Did you canvass them?—I canvassed them in this private room.

5413. Do you remember at all who they were there?—I cannot say from memory, but I believe they were some of Mr. Hemming's dependents, and one or two of Mr. Sturge's, I fancy. I cannot recollect their names, but my impression is, that they were men of that class.

5414. Did you have anything to drink at the "Rising Sun"?—I may have had a bottle of soda-water in it which I generally take at that time, perhaps with a little sherry or brandy in it.

5415. When you were on that occasion there, did you sanction the expenditure of any money in providing drink for the voters?—Oh, dear, no.

5416. You say you afterwards went to the "Waggon and Horses"?—After I had seen the people that were there, as I understand, by appointment, I walked down to the next house which I believe was the "Waggon and Horses."

5417. What did you do there?—Precisely the same thing occurred.

5418. And did you at that house sanction the expenditure of any money in treating any voters there?—Oh, no; certainly not.

5419. You say both these places you went to on the one night; do you know whether you went to these places on any other night?—Not that I am aware of, unless it might have been as I have told you before, that I was out late. I might have gone in for half a bottle of soda-water, or anything of that sort; nothing more. I found it was rather fatiguing process walking about the place.

5420. Can you remember how many times you went to these houses; are you able to say?—I am not aware of going in to either, except I may by accident in passing. If I felt fatigued, I might have gone in, but I have no recollection of going in to any house in particular for that purpose. I might have gone in to any house in Bewdley, for all I know, during those four months, but I am not aware of going in except for a little refreshment of that sort.

5421. Did Jackson on any occasion in your presence give some rum and water to any voter, or any person, at either of these houses?—Not to my knowledge.

5422. You heard the evidence with regard to what Jackson did about the rum and water; is it, so far as you are aware, true or untrue?—Oh, untrue, so far as I am personally concerned. I never thought or dreamt of such a thing. I should have thought it very strange if he had done such a thing in my presence.

5423. You have been in court all the time this case has been going on?—With the exception of one morning, I think, when I was 10 minutes late. I think only one witness had been examined; with the exception of that I have been in court the whole time.

5424. I will take you through one or two matters; did you hear the evidence of Stephen Fort and his wife?—Yes.

5425. Is that evidence so far as it affects yourself true or untrue?—As regards some portions of it, it is perfectly true; as regards other portions of it it is totally false.

5426. Was anything said by Fort about money?—The observation he made to me about money was this.

5427. You canvassed him?—I canvassed him and he got talking to me about Luther and Cranmer, and other people. I said, "If you have any question to ask me, I am here to answer it. I only want to know whether you are going to vote for me, or Mr. Lloyd." He began to tell me some rigmarole story about going into the country.

5428. Was Radford or Rogers present?—Radford was there, I think; my impression is, that Mr. Rogers had left just before; he went over to his mother's, I think; he had been with me before, but I do not think he was in the room at the time this man was there; in fact, I am sure he was not.

5429. Where was this you saw him?—In the office of my agent, Mr. Crowther, or rather in an upper room which seemed to be used.

5430. At the son of old Mr. Crowther's?—Yes; a large room which appeared to have been used as a court.

5431. When he spoke about money to you did you say in reply that you could have nothing to do with that, but that Mr. Rogers and Mr. Radford would make it all right?—Certainly not.

5432. Did you make use of any expression of that kind at all?—Nothing of the kind.

5433. Did you make any intimation whatever to him that Mr. Radford and Mr. Rogers would give him money?—Nothing of the kind.

5434. Was Taylor an agent of yours in any way?—Not at all. I did not know the man.

5435. As far as you are concerned, did you give any authority for a half-sovereign being given to Fort in any way, or any money of any kind?—Nothing of the kind.

5436. Did you canvass on one occasion at Mr. Price's yard?—In Bewdley?

5437. Yes?—You mean the tanner's?

5438. Yes?—No, not in the yard. I canvassed the men; some few men that were standing there, I think, outside at their dinner-hour. I made a point of never going into any of the works. I did not consider it fair to the men.

5439. Did you on that occasion give anything to the men to drink, or sanction anything being given?—No.

5440. Or

5440. Or were you aware that any was given to them?—No.

5441. Did you know a Mrs. Lucas?—Yes.

5442. Did you go to her house at any time?—I have seen her constantly at the door. I think I went in once to ask Lucas for his vote, or something of that sort.

5443. Did you either give or sanction a half-sovereign being paid to Mrs. Lucas?—No. With regard to that half-sovereign to Mrs. Lucas, have you fixed any time as to that, because there is a circumstance in the case which may be named: I think it was the first or second day I canvassed, or went up Wyre Hill; would that be the time that you allude to?

5444. Mr. Justice *Blackburn.*] Just state the circumstance you allude to now?—The first day I went up that hill, I was surrounded by a number of old women, who, many of them, I should think, were 70 or 80 years old, who came round me and said that they were widows, and so on, and would I give them a cup of tea. I said to Pardoe, my agent, who was with me, "How am I to get rid of these people; are they voters; would it be right or wrong that I should give these old people any tea?" Pardoe's reply was, "I think the Act of Parliament will not prevent you from giving these old people anything moderate, like a cup of tea, if they ask you." Upon which I said, "But how am I to understand whether these are people who are voters, or really people such as they represent themselves; old widows who are receiving relief and want a cup of tea." Upon which Mr. Pardoe said, "The only way to do it is, if you think of giving these old people anything, I should give it to some one here who knows them." I believe there was something given on that occasion; whether I gave it to Mr. Pardoe, I do not exactly recollect; but I said, "We must get rid of these people in some way and give some tea." Whether Mrs. Lucas was the party that I gave it to on that occasion I do not know; that is the only occasion of my doing what I have since found was a stupid act.

5445. How much did you give?—It might be 10s.

5446. Was it to Mrs. Lucas?—I do not know whether it was to Mrs. Lucas.

5447. Is that the only time that you personally gave any money when you were engaged on the election?—I do not say that. I think about the same time when I was coming; in fact, the day after I arrived, there were some three or four of these old ladies waiting at Mr. Giles Shaw's house, and they asked me the same question about this tea. I said to Mr. Shaw, "Who are these people?" and he said, "Oh, they are some of the poor old people of Bewdley, who have come to see you, I suppose." I said, "Well, do you know them to be what they represent themselves?" "Oh," he said, "Mrs. Shaw is in the habit of relieving them." I said, "Well, I suppose in that case I may give them a few shillings." I happened to have a few shillings in my pocket, and I said, "There, do not bother; go away." That was the morning I arrived, I think; after which, if I may go on to explain, I had a letter from Miss Havergill, informing me that my liberality with respect to tea, she found out had been spent in something else, and hoped I would not relieve anyone in the street; and from that time I have not done so.

9.

5448. Mr. Justice *Blackburn.*] The lady who was called here, you mean?—Yes.

5449. Mr. *Poland.*] Did you ever say that you had 4,000 l. to spend among the poor of Bewdley?—No.

5450. That was attributed to you; you never made any such statement?—Oh, dear, no.

5451. Did you hear any evidence to-day with reference to Mr. Pardoe and 5s.?—Do you mean the "Fox" affair?

5452. Yes; Sophia Griffin?—Yes.

5453. Was there any person with Mr. Pardoe?—I went into the "Fox." I believe Mr. Pardoe was with me, as he always was. I always had either Mr. Pardoe or Mr. Gardener, or one of my solicitors with me.

5454. Was anything said in your presence by Osman Pountney: "Here, Mr. Pardoe, you must have something here"; and did Mr. Pardoe say in your presence, "I have given her 5s."?—Not in my hearing, certainly.

5455. You have heard the evidence; did anything of the kind happen, to your knowledge?—Nothing of the kind, to my knowledge.

5456. Was anything said about Gillam, of the "Vine," that he had had 10s. left with him?—Nothing of the kind.

5457. Gillam said, they had left 10s. with his father?—Nothing of the kind.

5458. Was there anything said in your presence that there had been a do at the other house, and not at the "Fox"?—Yes.

5459. What was it that was said about that?—The landlord, Griffin, upon my asking him whether he had made up his mind as to which way he was going to vote, stated, "How can you expect me to vote for you, Sir Richard, when none of your side use my house?" Upon which I said, "I can have nothing to do with that. I do not dictate. Of course, where my friends choose to meet, I have no control over them; they meet and do as they please; I have nothing to do with it."

5460. Was any observation made in your hearing that the last should be the best?—No; I never heard any such observation.

5461. Did anything of that kind take place at that house?—Nothing whatever.

Cross-examined by Mr. *Fitzjames Stephen.*

5462. May I ask by whom you were introduced to the borough of Bewdley?—By my late partner's son; he was the first who mentioned it to me, Mr. Elliot, now member for North.Durham.

5463. I am speaking rather of the friends whom you first applied to in the town of Bewdley or Stourport itself?—I did not apply to friends in either.

5464. I mean to whom did you first address yourself; you must have had some one to introduce you to the voters?—My present agent, Mr. Pardoe.

5465. You used, we have heard, to canvass regularly in company with Mr. Rogers?—Mr. Rogers sometimes; it all depended upon whether he was at liberty.

5466. When he was at liberty you canvassed with him?—He came round with me, introducing me to the people.

5467. And Mr. Radford?—Mr. Radford, sometimes.

5468. And Mr. Herbert Pardoe?—He came round with his father and had a book.

N 2

5469. He

Sir
R. A. Glass.
22 January
1859.

Sir
R. A. Glass.
 —
 22 January
 1869.

5469. He and his father and you used to be together?—His father and I were together generally; that is to say, Mr. Herbert Pardoe acted as his father's clerk; he never spoke on any matter connected with me; all my observations in canvassing were addressed to the father.

5470. And Mr. Gardener?—And Mr. Gardener.

5471. And Mr. Bury?—Mr. Bury occasionally went with me.

5472. And Mr. Boucher?—In fact, they all went with me, all the names you have mentioned, from time to time, and a hundred more. When I was in the street they used to congregate, and I did not know sometimes who they were.

5473. Generally speaking, when you were going about the street canvassing, you had a certain number of other persons accompanying you?—Always.

5474. With respect to this committee that was formed; you were present at the meeting?—I addressed the electors for the first time.

5475. And you, of course, heard the resolution that was moved and carried with regard to the formation of the committee?—That was at the window, I think, or something of that sort. I heard that there was a committee appointed.

5476. And a report of the proceedings, which was afterwards circulated?—It appeared in the newspapers, I believe, a report of what took place at that meeting; it was an open-air sort of meeting. I addressed the people.

5477. And you moved a vote of thanks to the mayor?—I moved a vote of thanks to the mayor.

5478. Did you in any way dissent from the proposal that a committee should be formed for the purpose of conducting your election in the words of the resolution?—I did not read the resolution; I never intended personally to do anything of the sort.

5479. Whatever your intentions were, you did not at any time express your intentions to the public?—No; to tell the truth, I was thinking of something else.

5480. However that may have been, the effect of it was, that this resolution was put and carried in your presence, and you did not object to it?—Not at that time, certainly; but at that time I did not attach much importance to it.

5481. Were placards afterwards posted about the town specifying the names of the committee?—Not to my knowledge.

5482. I think I can refresh your memory?—I should hardly think they were, from my protesting to my friends; I really did not know these gentlemen at that time.

5483. There was a print, a newspaper report of this meeting, containing this resolution; was that the print circulated in and about the town (*handing a paper to the Witness*)?—Very likely; it was, I should think.

5484. Did you ever see that (*handing a handbill to the Witness*)?—Yes, this I saw in London; this was what I saw when I met Mr. Pardoe.

5485. And that was placarded about the town before your arrival?—In fact, I had not made up my mind to stand for the place; but I had seen Mr. Pardoe; I saw no one but Mr. Pardoe and a gentleman who lives in the neighbourhood here.

5486. That placard was posted about in anticipation of your arrival?—I do not know that; I presume it was, from the appearance of it; of

course, it was before I knew Bewdley, or anything about it.

5487. Then there was a meeting at the Town Hall, at which that resolution was carried; and then, after that, that print or the report was circulated in the town and neighbourhood?—I do not know when that was circulated; I do not know of my own knowledge that it was circulated, but I presume it was.

5488. Mr. Justice *Blackburn.*] You arrived on July the 6th?—Yes, I believe so.

5489. Mr. *Fitzjames Stephen.*] As for that placard being published by you, if you look at that item in your accounts, it refers to that (*handing the accounts to the Witness*)?—"July 4th." I do not know; have I paid that?

5490. Yes?—Then I was not aware of it; I am very glad you have drawn my attention to it.

5491. Do I understand you that you never at any time during your canvass had your attention in any way called to the fact that a great deal of drinking was going on at the public-houses?—Certainly not; of course, I need not tell his Lordship that I saw it at all hours of the day, from the time I arrived to the time I left.

5492. You saw it?—I saw people at public-houses.

5493. Did you see large numbers of people, for instance, at this "Rising Sun," or "Waggon and Horses," where you were?—When I say "large numbers," not so many there, I think; the only place that I saw, where I saw a large number, was at Mrs. Hinton's, I think, in Wribbenhall.

5494. What was the name of that place?—I do not know the sign of the house; it is Mrs. Hinton's; I think that was the only time I ever was at one of these meetings in public-houses.

5495. I thought I understood you to say just now that you were only at the "Waggon and Horses" and the "Rising Sun," and nowhere else?—Oh, yes, Mrs. Hinton's.

5496. You were at Mrs. Hinton's?—Yes; but I do not know the name of the sign.

5497. Mr. Justice *Blackburn.*] Do you mean the "Coach and Horses," Wribbenhall?—Yes, I think that is the name of the house.

5498. Mr. *Fitzjames Stephen.*] You told me just now that you saw a great deal of drinking going on in the town as you went about?—What I mean by a great deal of drinking is, that there was not a public-house I went into where there were not half-a-dozen or eight men drinking.

5499. Was there a degree of drinking in the town that attracted your attention?—No; beyond this, that I never can understand how it is that men can sit in public-houses as they do in Bewdley, and I am sorry to find them doing so; it is an unfortunate thing that the lower orders do so.

5500. Do you mean merely to make a general remark, that it is an unfortunate thing that people should sit in public-houses, or a special thing in Bewdley?—There was nothing remarkable except about that house of Mrs. Hinton's.

5501. What did you notice there in particular?—I noticed there that there was a room full of people, and they appeared to be having a sort of meeting.

5502. Did you address them at all?—I addressed them at that time; that is the only house I went to in that way; I set my face against these speechifyings at public-houses; I did not think it was a proper thing, and I never at any time

Sir
R. A. Glass.
—
22 January
1869.

time addressed the electors at any public-house except on this occasion, which was a special one, and under special circumstances.

5503. What were the special circumstances under which you addressed the people on this occasion?—The special circumstances were these: I went to Mrs. Hinton's at the request of many of the people in the same way as I visited the "Waggon and Horses" towards the latter end of the canvass, when people could only be got together at a certain time; I saw the people who were appointed to meet me upstairs in a private room and canvassed them as I did at the "Waggon and Horses" and the other house. While I was leaving, one of my friends (I do not know who it was, whether Mr. Gardener or any one else) said to me, "Sir Richard, the people of Bewdley have a notion that you cannot speak." I said, "Indeed, I am sorry for that; I think I can if there is any necessity, but I have a very great objection to speaking in public-houses, and if people want me to speak it will be only on one condition, and that condition will be, that if they will range themselves round the room, or in such a way that they can listen to me, I have no objection to say a few words.

5504. And you accordingly did?—They did; they were all standing up round the room: I entered the room after I had finished the canvass; I addressed them very likely for a quarter of an hour.

5505. You say it had been arranged that you were to meet some people you could not otherwise meet at these three places you have mentioned?—Yes.

5506. Will you tell me how that arrangement was made; who made the arrangement?—I do not know at all.

5507. When you say an arrangement, did you leave word at the men's houses with their wives, or did you ask Mr. Pardoe to make an arrangement?—No.

5508. Give me some notion of what you mean by its being arranged?—In this way: I was told after visiting these people's houses four or five times —

5509. May I ask by whom you were told?—I had so many advisers it is impossible to say who it was told me; they said, "Sir Richard, you must give up one evening if you possibly can to Catchem's End, and one evening to Wribben-hall." I said, "Well, I do not like leaving my house in the evening when I go in, but if it is necessary I will"; and on those two occasions I had my carriage out after dinner and drove there by appointment.

5510. With whom did you make the appointment?—Probably with my agent; he would be the man that I should convey it to.

5511. Who would convey it to the public-house?—That I do not know at all.

5512. Then you went to the public-house and found a large number of persons, and what you have informed us of took place?—Yes.

5513. There is an item in your account of election expenses, a very large item for watchers, 209*l.*?—There is; an item that very much astonished me, I assure you.

Mr. Giffard.] It is "watchers, messengers, &c."

5514. Mr. Fitzjames Stephen.] I think in the detailed statement there are about three bills for messengers, making 6*l.* or 8*l.* between them; do

you know how many watchers were employed?—I have not the slightest idea.

5515. Do you know who employed the watchers?—I have not the slightest idea.

5516. Do you know what the use of the watchers was, when they were employed?—I have learnt it subsequently; I wanted to know what this watching meant, and they said you are not aware perhaps that it has been a custom here on both sides to watch one another's voters.

5517. May I ask you who told you this; some of these many advisers?—I really cannot identify any particular one; it is such a laughable thing, and I really could not understand what it meant. "If you had been here in olden time you would have known more about it," they said. I found the custom was to take people away and hide them, and each side kept people out night and day to watch them.

5518. I will ask you straightforwardly, had you any idea at all that there were attempts made on Mr. Lloyd's side to take voters away from you?—I am not aware of the least attempt on either side; certainly we had no intention of the sort.

5519. You have no idea who these watchers were?—I had no information who those watchers were; I saw them.

5520. How many did you see?—I saw two or three at the top of a fire in an avenue leading down from Mr. Essington's; I said, "What are those men doing there at the fire?" "Oh, they are watchers there." That was the first I heard of it, and knew of it.

5521. Then of course you do not know now who put the watchers on?—I have not the slightest idea.

5522. You introduced an original memorandum book of your own just now; allow me to look at it one moment. (*The Witness handed it to Mr. Fitzjames Stephen.*) You see it is one that was published on the 1st of November?—So far as I was concerned I would not deal with anything except the authorised register. When I got this book I went through this with Mr. Pardoe's book, who before that had taken down observations as to when I could see people, and as I called on them I made up my mind what observation I wanted inserted by Mr. Pardoe, that I might keep alive the various answers, and so on, I received from the different voters, to prevent my calling on them again as much as possible. When I got that book I then went through it, and you will see these marks, ticks, and so on. That I transcribed from an earlier book with the exception that I made these marks, rather putting my own construction on them, because I did not take everything for granted.

5523. Of course you did not take for granted everything that everybody said to you?—No, I should not have troubled myself with a personal canvass if I had.

5524. You have heard in the course of the evidence a good deal about William Jackson?—Yes.

5525. Do you tell me you do not know him?—I did not know him by name, and after the examination I had him fetched, to know who he was.

5526. Have you seen him since?—I have seen him since.

5527. Was he a man who was in the habit of forming one of your party?—No; I never saw him to my knowledge except one night up at the

Sir
R. A. Glass.
—
22 January
1869.

"Waggon and Horses"; I did not recognize him, except that when I saw him I had some recollection that he was one of the men about there.

5528. Did you see him canvass Goodwin?—No.

5529. Do you remember canvassing Goodwin yourself on that occasion?—Yes, I think I did; I must confess I cannot recollect people's faces though they gave me the credit of it; he was so altered I should not have known him; they were principally labourers in Mr. Sturge's and Mr. Hemming's employ.

5530. You heard Holder's evidence about the "Wheatsheaf"; he was the one who said he went up with you into a room in the "Wheatsheaf," and had some brandy and soda water?—Is he a stout man?

5531. Rather; an oldish man, I think?—That astonished me very much; I had not the slightest recollection of it; but I think the explanation that is to be given is this: one night I had been canvassing very late, and not being very strong, walking up and down these hills, I felt very much fatigued, and, as my custom was, the "Wheatsheaf" being a house that I occasionally lunched in before I went home, I generally took a bottle of soda water and sherry alone, or brandy in it, as the case may be—

5532. And he may have come in?—He may have come in.

5533. And had soda water and brandy also?—Not to my knowledge; he may have had it; there were many people who came in.

5534. What he described was that in coming to the room there was soda water and brandy on the table, and that he took a bottle of soda water with some brandy in it, in the course of conversation, and went away. That might have been so?—That might have been so without my knowing.

5535. Hardly without your knowledge?—Certainly.

5536. You were sitting in the room?—Not sitting; I was standing in the way I explained to you. Having returned from my evening's canvass, while my coachman was putting my horses to, I would go into the house and take a bottle of soda water; it was a public room.

5537. I think the "Wheatsheaf" was the house to which you principally went?—Not principally.

5538. Generally?—When I first came here I was anxious to get the most comfortable house I could get. At that time Mr. Hemming had secured the "George," and I got the second best house.

5539. You put up there?—I did not put up there; my horses put up there.

5540. You secured the "Wheatsheaf"?—I secured it, or rather I used it as my house.

5541. You said that Miss Havergill mentioned to you that the 10s. you gave to Mrs. Lucas (if it was Mrs. Lucas) had been applied in a way she did not approve of?—Yes.

5542. Do you know Mr. Giles Shaw?—Yes; I was staying with him for some time.

5543. And Mr. Giles Shaw was the chairman of this committee?—Well, he was one of the gentlemen in the neighbourhood. I staid with Mr. Shaw, and I looked upon him as one of the leaders of the Conservative party here.

5544. Did not Mr. Shaw ever tell you what Miss Havergill had told him about the drinking

at the "Wheatsheaf"?—Never to my knowledge.

5545. Can you speak with confidence to that?—Certainly, he never alluded to any drinking at the "Wheatsheaf."

5546. It never came to your knowledge?—No; what Miss Havergill alluded to is sometime ago; I had no knowledge of this until I heard the evidence in court.

5547. Then Mr. Shaw did not communicate the matter to you?—No, not to my knowledge; certainly, if he did, it would be something I should not have remembered. It never operated on my mind except in connection with the affair on Wyre-hill.

5548. Surely, if Mr. Shaw had mentioned such a fact to you you would have remembered it?—Certainly not, as regards anything connected with my house, the "Wheatsheaf," if that is what you mean.

5549. Miss Havergill has told us that she spoke to Mr. Pardoe, and said that his father was responsible for that she supposed, and that she the next day (in general terms) told her brother-in-law about that; did her brother-in-law tell you?—No, certainly not.

5550. You heard nothing about that?—No, nothing about that; the only thing I recollect was with reference to my first entry in the town, when I foolishly gave these old people something.

5551. When you gave them half-a-sovereign?—Yes.

5552. Did you have two communications with Miss Havergill about people drinking, or only one?—Only one that I am aware of.

5553. Was not that something about Wyre-hill?—I think it was.

5554. Was not Miss Havergill's communication that people who had been drinking at Wyre-hill, women, afterwards went down to the "Wheatsheaf" and drank there?—I do not know; I have no idea.

5555. When was it that this took place; can you give us about the time?—It was early in the day. Miss Havergill's communication to me was that she was afraid I was deceived by these women who she had known had asked me to relieve them, by giving them tea, and that she had found out that my contribution, or whatever I had given them, had been misapplied, and hoped that in the future I would give nothing in charity.

5556. But where does this Lucas live; he lives in Welch Gate, I think, Edward Lucas?—I hardly know.

5557. Edward Lucas, I am instructed, lives at Welch Gate?—I do not know the names of the streets; I merely give that as an explanation of what might be.

5558. Then you will not say that you did not give the money to Mrs. Lucas?—I have no recollection of that.

5559. Then you may have done so?—If I did I have no recollection of doing anything of the sort.

5560. As I understand, at any rate, you gave half-a-sovereign to some women?—No, I think you misunderstood me; I said I wanted to get rid of some of these old people. I turned round to Mr. Pardoe and said, "Is there any way of getting rid of these old people, they are all clamouring for tea; do you know them?" "Yes, they are all Bewdley women." "Then get rid of them in some way, but do not do anything that may prejudice us."

5561. The

Sir
R. A. Glass.
—
22 January
1869.

5561. The end of it was that you or Pardoe gave 10*s.*?—What I meant to convey to them was, that if 10*s.* could be properly applied amongst these women, having regard to my position, my object in employing these gentlemen was, that I might not do some silly stupid act that might be misconstrued.

5562. The short of it was, that some people got 10*s.* to distribute?—To distribute amongst these people in the way of charity.

5563. That person, for all that you know, may have been Mrs. Lucas?—May have been Mrs. Lucas, or may have been some one else.

5564. Then, with regard to the Wyre-hill women; was that the only occasion on which you gave money for purposes of that kind?—Yes, there was only one occasion.

5565. Mr. Justice *Blackburn.*] A letter written in July could have no reference to what occurred in November?—There is one other case which I allude to. It was a case when I was canvassing a man who had met with an accident. I went to his house, and the poor fellow was lying almost in a dying state; he had just been brought in with his leg broken, his arm or leg, and his wife was sitting on a chair nursing a child with fever, or something of that character; she had another by her side with St. Vitus's dance, and—

Mr. Justice *Blackburn.*] It is unnecessary to explain that, as it is not relied on.

5566-7. Mr. *Fitzjames Stephen.*] You gave the men half-a-sovereign, I suppose?—I did not give the men half-a-sovereign; I wish you to understand that.

5568. To whom did you give that?—I gave it to the doctor to relieve him in the event of his requiring it.

5569. Mr. Justice *Blackburn.*] That was more prudent, but it comes to the same thing?—I gave it upon those grounds.

5570. Mr. *Fitzjames Stephen.*] You are quite sure, as I understand you, that Miss Havergill's letter was early in the day?—It was very early in the day.

5571. Not so late as November?—Oh, certainly not.

5572. Are you a member, or an honorary member of the Conservative Association at Stourport?—No.

5573. Or Bewdley?—No. I have given a donation to the Bewdley Institution.

5574. What donation did you give?—I gave a donation of 10*l.* to it.

5575. To which of them?—To Bewdley.

5576. Did you give any donation to Stourport?—No.

5577. When was the donation of 10*l.* to the Bewdley Association?—Some time; I do not recollect the date; but I came down here, and I went to the rooms and saw the nature of the institution, and I said, "I quite approve of this; if we could get these meetings more frequently, men would understand a little more than they do at present, and I saw the style of thing that was there; books and newspapers, and other things, and a comfortable room.

5578. About when was this?—That would be, I should think, when I came back from Scotland some time in September.

5579. Are your election expenses paid?—I do not know. I have paid my agents sums on account; they have not rendered me any account yet.

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5580. Mr. Justice *Blackburn.*] You have not yet finally settled with them?—No.

5581. Mr. *Fitzjames Stephen.*] May I ask what sums on account you have paid on account altogether?—I have paid Mr. Crowther two sums of 300*l.*, and Mr. Pardoe 500*l.*; that is all.

5582. And you say those were on account?—All on account.

5583. Are you aware of any further expenses?—I am not at all aware of any more; in fact, I considered those expenses were rather large, considering.

5584. You know Mr. Pardoe's final account delivered as the election account, amounts to 759*l.* 5*s.*, and you have paid 1,100*l.* already on account. That makes 341*l.* more than there is any account rendered of to the public?—I hope I shall get it back again. There are three attorneys, remember.

5585. When did you pay these sums, may I ask?—I have not the dates.

5586. Then were they paid before the election, or since the election?—£.600, I think, before, and 500*l.* since; but I had no application in writing from Mr. Pardoe. I had from Mr. Crowther; those are the letters with my letter enclosing (*handing them to Mr. Fitzjames Stephen*); on the 26th of August I paid one sum.

Mr. *Giffard* stated that his Lordship would see from the letters that expenses of registration were included.

5587. Mr. *Fitzjames Stephen.*] Then you have not got the final statement yet from your agent?—No, I have had no account from him at all; and I had not seen these accounts until you showed them to me.

5588. Then your agents, in fact, can explain that matter better than you?—I know nothing of it at all.

5589. I do not suggest that it is so, but I ask you do you know or have you any reason to believe that there were any other payments paid by persons on your account in regard of this election?—Not that I am aware of.

5590. Have you personally received any bills respecting the election?—No.

5591. None?—None.

5592. You do not know in fact; they would be sent to your agent?—I have not the slightest knowledge of it.

Re-examined by Mr. *Giffard.*

5593. You were a novice, I believe, as a candidate for a constituency, or you would not have paid that 10*s.*?—No doubt I would have known.

5594. I do not know whether you remember, in the month of July or August, your attention being called to the settling of the register as being important?—Oh, very important.

5595. Do you know how many persons were employed in looking up who were or were not favourable persons to put on the register?—I have no idea. I merely drew my agent's attention to it on advice that the register was a thing that he must look after, and I found here that, in fact, there was no register. Nothing was handed to me as correct until the revising barrister had been.

5596. Do you know how many voters were put upon the register?—No, I never dealt with that. I had conversations, but I said I cannot deal with that till I see the revised list.

N 4

5597. When

Sir
R. A. Glass. 5597. When was your canvassing principally conducted; in the day time or night?—In the day time.

22 January 1869. 5598. After your day's work at canvassing, where did you go, as a rule?—Home.

5599. As a rule, did you stay there in the evening?—Yes, at home; Lady Glass was with me at my establishment.

5600. When you were out at Bewdley or Stourport in the evening, was that exceptional?—Yes, to meet certain voters. Their wives told me they were out, and if I thought it was important I went out to see them.

5601. How many times do you think you were out in either Stourport or Bewdley at night, during the whole time of your canvass?—It might have been a dozen times altogether. It was much cooler than in the day, and I much preferred taking this work in the evening.

5602. I want you to tell me the maximum number of times you were either in Bewdley or Stourport at night?—I should think a dozen times; it might be more; it was not my general practice.

5603. How often were you at public-houses at night?—Oh, very rarely.

5604. Out of that dozen times do you suppose you were half-a-dozen times at public-houses?—Oh, dear, no; and then, as I tell you, I may have gone in for a bottle of soda-water, or something of that kind, when I was feeling fatigued.

5605. As I understand it, Mrs. Hinton's was the only occasion when you attended anything in the nature of a meeting?—Yes.

[The Witness withdrew.]

Mr. THOMAS RADFORD, sworn; Examined by Mr. Giffard.

Mr.
T. Radford. 5606. I BELIEVE you are a carpet manufacturer, at Kidderminster?—Yes.

5607. But you live at Stourport?—Yes.

5608. Upon the occasion of Sir Richard Glass coming here to address the electors, did you agree to support him?—Yes.

5609. And you did support him, I believe, all through the election, and finally voted for him?—Yes.

5610. A man of the name of Foit has been examined here. Did you hear his examination?—I did.

5611. I will not take you through the earlier interview with yourself, because I think you and he are agreed about it; but on the second occasion, at Mr. Crowther's office, is it true that in your presence Sir Richard Glass told him that though he could not do anything himself, it would be made all right by either you or Mr. Rogers, or words to that effect?—Certainly not.

5612. Of course, you will understand me as asking not for particular words, but whether anything to that substance and effect passed?—Nothing of the kind.

5613. Do you know a man who has been called of the name of Benjamin Ainsworth?—Yes.

5614. Mr. Justice *Blackburn*.] I wish to ask not merely was there nothing of the sort said by Sir Richard, but was there anything of the sort said by yourself, or, to your knowledge, by Mr. Rogers?—Mr. Rogers was not present.

5615. Was nothing of the sort said by you?—Not a syllable.

5616. Mr. Giffard.] Mr. Rogers was not there, and you did not say anything to that effect?—Certainly not.

5617. This man named Benjamin Ainsworth, a blacksmith, has been called?—Yes.

5618. Is it true that in any words (I do not care about the particular words) you promised him a month's work if he would vote for Sir Richard Glass?—Certainly not.

5619. Or anything to that purport or effect?—I did not canvass his vote even upon that occasion.

5620. Just explain what did happen?—Mr. Rogers, Mr. Gardener, and myself had called upon him to know if we could bring down Sir Richard Glass to see him for his vote; and Mr. Rogers went in with Mr. Gardener; I stood on one side (it was a very small house); they had

some little conversation respecting the vote. In the course of conversation he said he had been out of work a long time, which I very well knew; but at that time I had an impression that Mr. Baldwin had employed him; and after some conversation which Mr. Rogers and Mr. Gardener had had with him respecting his vote, as to whether he would sanction Sir Richard Glass coming to get his vote confirmed, he said he had not made up his mind, and he would consider about it. I did not myself speak to him upon the subject of his vote; but, as we were leaving, I said, "Ainsworth, if you really want two or three weeks' work, we have been putting up some new sheds, and if you like you can come and have three weeks' work upon the gas fittings. You can come in the morning if it is of any service to you." He told me that Mr. Baldwin had not given him any employment, and he told me that he would come in the morning.

5621. Did you in any way connect that with his voting either the one way or the other?—That was as we were leaving.

5622. Just answer my question; yes or no?—Certainly not.

Cross-examined by Mr. Fitzjames Stephen.

5623. When was this when you talked about the three weeks' work; can you give me the date about?—It was about 10 days previous to the election; 10 or 12 days; I could not name the date.

5624. That would be early in November?—Yes, I know. I say early in November, because Sir Richard Glass was anxious to close his books definitely to know the exact number of voters he had promises from.

5625. You on that occasion had not asked him for his vote, you say?—No.

5626. But Mr. Rogers and Mr. Gardener had been asking him?—I think they had been speaking to him.

5627. They had been speaking to him about his vote?—Yes.

5628. And you had gone with them?—Yes.

5629. You had all three gone together in order to canvass him, I suppose?—Yes; we had gone to see him respecting his vote.

5630. Sir Richard Glass had not made up his books at that time?—No. Some of the voters were

were not settled; it was the same day we saw Fort.

5631. You and Mr. Rogers and Mr. Gardener went?—Yes.

5632. Did you go to see any other people about votes that day?—I really could not say; I forget at the moment.

5633. You and Mr. Rogers and Mr. Gardener were out together, you know, upon that occasion, and you were canvassing Ainsworth?—Yes.

5634. Did you canvass anybody else that day?—I did not canvass Ainsworth myself.

5635. You did not personally, but you three went to his house to canvass him; did you canvass anybody else?—This was late at night.

5636. Did you canvass anybody else that day?—I could not say which day it was; the same evening, I do not recollect calling upon anybody else; seeing the voters.

5637. You three were calling upon voters, together, that evening?—Seeing them.

5638. If you called upon them you saw them, I suppose?—No; we did not always.

5639. At all events, you three were out together canvassing that evening?—Yes.

5640. I think you told me you had seen Ainsworth before?—He worked for me some eight or nine weeks previously.

5641. Had you spoken to him about his vote before?—I do not know that I had.

5642. Will you speak positively about that?—I do not know for certain, but I have very little spare time at night; for my business is in Kidderminster, and I do not get home till late.

5643. You will not be sure whether you had spoken to him about his vote before or not?—No; I really could not.

5644. Do you know whether Mr. Rogers had?—I have not the least idea.

5645. Did Mr. Rogers say to him several times, "May I put down your name?" or anything of that sort?—I do not recollect the remark at all: the room was so small that I really was not in it. I was just in the doorway only.

5646. How long were you there altogether; the party, I mean?—Three minutes, I should think; or four minutes, perhaps.

5647. Do you know a man named Taylor?—Yes, John Taylor.

5648. Have you seen John Taylor preside at meetings; take the chair?—No, not that I am aware of.

5649. Do you know a body called the Working Men's Committee?—I know a body called the Working Men's Conservative Association Committee.

5650. Was Taylor chairman of that?—Yes.

5651. Have you been present at the meetings of that committee?—Not at the committee; at the general meetings of the association I have been present.

5652. Not at the meetings of the committee?—No, I do not believe I have attended one. That committee was composed of working men only; that is to say, the members who were of the upper classes were only honorary members.

5653. You were one of the honorary members?—Yes.

5654. Have you seen Mr. Taylor canvassing?—No.

5655. He never went with you when you canvassed?—Certainly not.

5656. Was there supper at your house one night with a quantity of voters?—Yes.

5657. How was that; what voters were there?—I don't know; there were five or six there, but that was before Sir Richard Glass came down.

5658. What time was it?—I believe it was on the 3rd of July.

5659. That was only two days before he came down?—I had not heard Sir Richard Glass's name then at all.

5660. Who were the people there?—I really forget who they were.

5661. Think?—I could not, really; it was a mere passing event of the moment.

5662. On what occasion was that supper given?—The object was to see and get information as to what spirit there was really in existence in the carpet manufacturers' sheds; the Conservative element.

5663. You wanted to test the Conservative element?—Yes.

5664. So you gave them a supper?—I invited them to come to my house; I think four or five; I do not know who they were.

5665. Several Conservatives, and you do not know who they were?—I really cannot say now who they were.

5666. Do you know the men in Mr. Danks's employment?—I cannot say that I know one.

5667. You knew that he had men in his employment?—I only reside at Stourport, and, of course, during the whole of the day I am absent.

5668. You knew that he had men in his employment who were voters?—Yes.

5669. Did you know that many of these voters would be absent, in the course of business, at Bristol and Gloucester and elsewhere?—I did not.

5670. Do you know a man named Rowley?—Yes, he is a workman for Mr. Rogers; I presume you mean William Rowley.

5671. Yes, I mean William Rowley; did you have anything to do with Rowley going to Bristol?—Certainly not.

5672. You knew nothing about it?—Not a syllable.

5673. Nor about men being brought up from Bristol?—Certainly not.

Re-examined by Mr. Giffard.

5674. There is a man named William Paget, of the "Red Cow," at Stourport, who has been called here, and he says that you ordered three tons, I think, of coals of him; is that the fact or not?—It is the fact.

5675. It is a fact that you did?—Yes, under these circumstances: Sir Richard Glass and Mr. Gardener were out canvassing, and I had not been canvassing with them, but I was anxious to find them, if I could, to join them, and I followed them from place to place; thinking they would be likely to go to Paget's, as I was passing the yard I looked in there, and I saw the old man in the yard, or the young man, I forget which; and I said, "Has Sir Richard Glass been here?" and he said "No." I said, "I was in the habit of having coal from you; how is it you do not supply me now?" He said, "I really do not know, sir." I said, "You may send in three tons if you like"; that is all that passed.

5676. Was it a fact that you had been in the habit of ordering coals from him before?—Yes, I was surprised we had not continued it.

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5677. How

Mr.
T. Radford.
22 January
1869.

Mr.
T. Radford.
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22 January
1869.

5677. How long was it that you had not had coals from him before?—I really do not know; my servants order the coals; since then we have had coals from them; I should say it was four or five weeks before.

5678. There was nothing unusual or extraordinary about your having these coals there?—No.

5679. Mr. *Fitzjames Stephen.*] Did you expect to find Sir Richard Glass, though you were looking for him?—I expected to find him somewhere on the way; I was going to Upper Milton.

5680. Had you canvassed this man for his vote?—No.

5681. At that time or afterwards?—No.

5682. Never?—No.

5683. You were anxious to find Sir Richard Glass, to join him?—Yes, I was looking for him; it was a fine afternoon, and I thought a walk would be beneficial to my health.

[The Witness withdrew.

[Adjourned to To-morrow, at
Ten o'clock.

Saturday, 23rd January 1869.

CHARLES POUNTNEY, sworn; Examined by Mr. Poland.

5684. WHAT are you?—A Comb Manufacturer.

5685. Do you carry on business at Bewdley?

—Yes.

5686. You are a master, are you?—Yes.

5687. Do you know Mr. Griffin, the landlord of the “Fox”?—Yes.

5688. Is it true that you ever said to him that you would give him 5*l.*, and that he might draw a hogshead of ale?—No.

5689. Did you say anything to him about his house, and about any entertainment at his house; anything like this: “If yours is the last it will be the best, so you had better make up your mind”?—No.

5690. Did he make any reply to you, that he would not make up his mind for five hogsheads; or did any conversation of that kind take place between you?—No.

5691. Did you say anything to him about his license?—No.

5692. Or threaten him in any way that his license would be taken away?—I did not.

5693. Did any conversation take place in your hearing, or did he make any statement in your hearing, complaining that nothing had been done at his house with regard to the election?—I do not recollect anything of the kind.

5694. You are a member of the town council here, are you not?—Yes.

5695. Mr. Justice Blackburn.] You had better see whether he was there at the particular place and time when all this is said to have taken place.

5696. Mr. Poland.] Were you at his house on the polling day?—Yes.

5697. Whom did you see there on that day?—When I went in I saw Mr. — (I forget the gentleman's name, but I know the man by sight). This gentleman, here, with the spectacles, the Birmingham lawyer; I do not know his name (pointing to Mr. Morgan).

5698. Mr. Morgan was there?—Yes, I saw him there.

5699. Did you see Sir Richard Glass there?—I did not.

5700. You being there on that day, you say, no such conversation as I have put to you took place?—It did not.

Cross-examined by Mr. Fitzjames Stephen.

5701. You say you saw Mr. Morgan there, did you?—Yes.

5702. There was a considerable crowd of people there, I think?—Very likely there was.

5703. Was not there?—There might be some, for all I know.

5704. Was there not a considerable number of people there?—There was three or four people there, I believe.

5705. Mr. Justice Blackburn.] How many did you say?—There might be three or four, for aught I know.

5706. Mr. Fitzjames Stephen.] Was there not a larger number than that a great deal?—Then they must have come in after I went out.

5707. No; I mean when you saw Mr. Morgan there?—I know when I saw Mr. Morgan there there was four or five, I should think.

5708. Were there not more than that?—No, I should not think so.

5709. Will you swear there were not 50?—Nothing of the kind.

5710. Do you recollect seeing Mr. Morgan pushed about?—I do not recollect seeing Mr. Morgan pushed about, not at all.

5711. You have no recollection of it?—Not at all.

5712. Will you swear that he was not, in your presence, pushed about and bonnetted?—Not that I am aware of.

5713. That is not an answer. Will you swear that he was not, in your presence, pushed about and bonnetted?—I do not see it.

5714. You must have seen it, if there were only three or four people there?—I saw nothing of it.

Mr. Justice Blackburn.] Griffin said he was upstairs. I understood his evidence to be that on the polling-day the two Pountneys came, with a lot of roughs, and they were upstairs, and it was upstairs that this conversation took place; but this witness does not say that he saw Mr. Morgan upstairs.

5715. Mr. Fitzjames Stephen.] Were you there more than once upon the polling day?—No.

5716. Did you go upstairs at all when you were there?—My brother and me went in —

5717. Did your brother and you go upstairs?—Yes. As soon as ever I went into the room —

5718. Only answer the questions. You and your brother did go upstairs?—Yes; at least Mr. Griffin took us up there.

5719. It does not matter who took you up; but did you go upstairs together?—Yes; Griffin was first, and took us up together.

5720. When you got upstairs together, what did you say to Griffin?—I asked him if he had made up his mind, and how he was likely to vote; and he says, “I do not know exactly how I shall go; I want money.”

5721. What did you say to that?—He said he wanted money. I said, “I know nothing about money.” He said, “Give me 10*l.*, and give me an order for a hogshead of beer, and I will vote for Sir Richard.”

5722. He said, “Give me 10*l.*”; and what about the beer?—“And give me an order for a hogshead of beer.”

5723. What else did he say about the beer?—I know nothing more than that. As soon as ever he said that I came down stairs, and I left.

5724. Did not he say that others had had beer?—Not to me.

5725. Did not you hear him say so, in your hearing?—No.

5726. Was Christopher with you?—Yes.

5727. Did Christopher stay after you were gone?—Not that I am aware of; I believe we both came away together.

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5728. Can

C. Pountney.

23 January
1869.

C. Pountney. 5728. Can you be sure of that?—I think so; quite sure.
 23 January 1869. 5729. You came away together?—Yes.
 5730. As soon as ever you heard about this?—Yes.
 5731. At the time you went upstairs, was any disturbance going on downstairs?—I did not see any disturbance.
 5732. Were there people knocking about?—There might be some people at the door, for aught I know, making a noise.
 5733. There might be?—Yes.
 5734. You went in at the door, and came out?—Yes.
 5735. Then if there had been people at the door making a noise, you must have seen them?—Yes; but they rushed in after I came in.
 5736. You were upstairs, you say?—When I went into the room first, they rushed in after; and Griffin says to me, “Pountney, come upstairs”; and he took me upstairs.
 5737. That was because the people rushed in?—I do not know about that.
 5738. How many people rushed in?—I cannot tell you.
 5739. Did they fill the house?—I cannot tell; I was upstairs.
 5740. Did you hear a noise?—Out of doors, I thought I heard a noise.
 5741. Did you not hear a good deal of noise in the house?—I thought it was out of doors; not in the house. It could not hold many, that front place of his.
 5742. When you were upstairs you heard a noise, at all events?—Yes, outside, somewhere.
 5743. How did you know it was outside?—From the sound.
 5744. After you came in, you say, people rushed in?—Yes.
 5745. How long behind you were the people?—I was not there many minutes.
 5746. How long behind you were the people?—They followed me directly.
 5747. Where had you come from?—I came up the street.
 5748. When you came up the street were those people following you?—Not particularly behind me. I saw some parties about the door before I went in there.
 5749. Do you mean to say there were none following after you that rushed in when you went in?—I was not aware that they followed me at all, any of them.
 5750. Were they near you in the street?—They were round the door when I went in there.

5751. Did you see them come?—No, I did not.

5752. What were they doing round the door. Was the door shut or open?—I cannot tell you exactly now.

5753. Yes, you can?—I cannot. I cannot say whether the door was shut or open.

5754. Who opened the door?—I do not know.

5755. Was it opened for you, or was it open when you got there?—I cannot pretend to say whether it was open or shut.

5756. Where was Mr. Griffin; was he at the door?—Mr. Griffin was at the tap when I went in.

5757. People, you say, rushed in after you?—Yes; just so.

5758. Was the door shut when you came up?—Not that I am aware of.

5759. It may have been shut for what you can say?—No; I could not say now exactly.

5760. You cannot say now whether it was or not?—No; I cannot say whether it was or not.

5761. What did you go there for?—Just merely to know if he had made up his mind; that was all.

5762. And, if you could, to bring him to the poll?—If he liked to vote, he could please himself about it.

5763. Still you went to get him to the poll if you could?—To ask him if he would like to go.

5764. You went to get him to the poll if you could?—If he liked to come.

5765. You wanted to get him?—I should have liked to get him to poll for Sir Richard Glass, of course.

5766. What time of day was this?—About three o'clock.

5767. Did you watch?—No.

5768. Did you walk up and down a good deal at night?—Very little indeed; after I had done my work I went home; I was not out one night, I think, at 10 o'clock, during the election; not a quarter past 10.

Re-examined by Mr. Poland.

5769. At this time, three o'clock, was Sir Richard Glass much a-head?—I should think he was 80 or more a-head then, no doubt about it.

5770. Did you vote for Sir Richard Glass?—I did.

[The Witness withdrew.]

CHRISTOPHER POUNTNEY, sworn; Examined by Mr. Poland.

C. Pountney. 5771. What are you?—A Builder.
 5772. Are you a voter?—Yes.
 5773. Did you vote for Sir Richard?—Yes.
 5774. You live at Bewdley?—Yes.
 5775. Are you a brother of Charles?—Yes.
 5776. Were you with your brother on the polling-day at Griffin's, at the “Fox”?—Yes.
 5777. Did you see Mr. Griffin?—Yes.
 5778. What time of the day was it?—About three o'clock, I should think, as near as I could tell.
 5779. What did you say to him?—Me and my brother went in, and we saw Mr. Lloyd's solicitor there in the room.
 5780. What room?—The front room.

5781. Did you speak to Mr. Griffin?—My brother did.

5782. In your presence?—Yes; in my presence.

5783. What did he say to him?—“Well, Pountney,” he says, “Come upstairs.”

5784. Did you go upstairs?—Yes.

5785. All three; you and your brother, and Griffin?—Me and my brother, and Griffin.

5786. Mr. Justice Blackburn. No one else?—No one else was in the room besides us three.

5787. Mr. Poland. What was said in that room upstairs?—My brother says to him, “Well, Griffin, which way are you likely to go?” “Well, he says, “I think I shall go for Lloyd.” He says, “What is the reason you will not come upon

upon our side"? And he says, "I do not know." He says, "I want money." He says, "I want 10 pounds and a hogshead of ale."

5788. Mr. Justice *Blackburn*.] What was said then?—And so my brother says to me, "Christopher, come on down, we will leave them at it, for I shall have nothing at all to do with it."

5789. Mr. *Poland*.] Was anything said by you, or by your brother, in your presence, to this effect: that he had better not offend the gentlemen, that they gave the license, and would take it away again?—Not a word; that is, not in my presence.

5790. Did he make any complaint, in your presence, that his house had not been treated the same as the others?—He did say that. We said, we had nothing at all to do with it; we had not to give orders at all whatever.

5791. Did your brother say, "If yours is the last, it will be the best; make up your mind; I will give you five pounds, and you shall draw a hogshead of ale to-night," or anything to that effect?—No.

5792. And did he make any reply to the effect that he would not, for five hogsheads, at the back of it, or any expression of that kind?—I do not remember hearing anything of the sort.

Cross-examined by Mr. *Fitzjames Stephens*.

5793. Did you see Mr. Morgan that day?—I did.

5794. Did you see him go into the "Fox"?—I did not see him go in the "Fox."

5795. Did you see Mr. Lloyd about the same in the street?—I see Mr. Lloyd in the street.

5796. And Mr. Morgan?—I did not see Mr. Morgan in the house when I went in.

5797. Was not Mr. Morgan, in your presence,

forced into the house by the crowd outside?—He was not.

5798. Was not there a crowd in the street?—There were some parties in the street; I did not see no crowd particular; I did not see that.

5799. Did you see a number of people who rushed in after you?—There was some people came in, but there was not that rush of people.

5800. Your brother said there was?—There was not such a rush; there was some people followed in.

5801. Was not a great disturbance made in the house by those people who came in?—There was not much of a disturbance as I heard.

5802. Then there was some; what disturbance was there?—I do not know of any disturbance as was there.

5803. You said just now there was not much disturbance?—Not as I was aware of, there was not.

Mr. Justice *Blackburn* inquired the object of this cross-examination with reference to the disturbance.

Mr. *Fitzjames Stephen* stated that it went to the credit of the witnesses.

5804. Mr. *Fitzjames Stephen* (to the Witness).]—Then he did say that his house had not been treated the same as others?—I did not hear him say so; I told you before.

5805. You said so just this moment?—I did not hear him say so.

5806. Your words, as I took them down, were, "He did say that; he said his house had not been treated the same as the others"?—Yes, Griffin did say that; but I said I knew nothing at all about that; I did not know you were speaking of Griffin at first.

[The Witness withdrew.]

THOMAS POTTER CHARLES, sworn; Examined by Mr. *Poland*.

5807. ARE you Postmaster at Stourport?—I am.

5808. Do you carry on business there as an ironmonger?—Yes.

5809. Is a man, named William Jones, a messenger attached to the post-office?—He is.

5810. What you call a rural messenger?—Yes.

5811. On Sunday morning before the election did he come to the office at his regular time?—No, he did not.

5812. How much late was he?—He was an hour late.

5813. Did he come then of his own accord, or had you to send for him?—I had sent for him.

5814. What time was it when he came; it was rather late, was not it?—It was a quarter to seven.

5815. In the evening?—No, in the morning.

5816. In what state was he?—He appeared to me very much suffering from the effects of drinking the over-night; in what I should call a muddled way.

5817. When you saw he was in a muddled way, what did you say to him?—I asked him why he was late, and where he had been; I supposed he had been to the "Swan" over-night and got drunk.

5818. You said that to him?—I said that to him; and he said, "It is no use telling a lie, for I was there."

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5819. What did you say then?—I said, "I suppose they extorted a promise from you."

5820. What did he say to that?—He said they did.

5821. Did you vote for Sir Richard?—I did.

5822. Is the "Swan" a public-house at Stourport?—Yes.

5823. Is it used by the other party?—By the Liberal party.

5824. When he said that about the promise being extorted from him, did you say anything to that?—I said, "Oh, very well"; that was the end of it.

5825. That was the end of it you say?—Yes, that was the end of it.

5826. Did you threaten him in any way?—Not at all.

5827. Did you say, "If you vote that way, that is, for Mr. Lloyd's side, the Liberals, it will be worse for you?—I did not.

5828. Or did you use any language of a threatening character?—No.

5829. Anything of that description?—Not at all.

5830. Did you say anything about plenty of waiting for his job?—No.

5831. Did you say anything about reporting him, and that he would lose his place?—No, not at all.

5832. Had you seen Mr. Rogers on that day?—No.

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5833. Did

C. Pountney.

23 January
1869.

*T. P.
Charles.*

*T. P.
Charles.*
—
23 January
1869.

5833. Did you give a breakfast to the persons in the employment of the post-office on the polling-day?—Oh! no, most assuredly not.

Mr. Fitzjames Stephen stated that the Petitioners had never stated anything of the kind.

Cross-examined by *Mr. Chandos Leigh*.

5834. You say that Rogers was not with you on that day?—Yes, I do.

5835. Had Rogers been to your place before during the election?—Yes, he had been to my shop on business many a time.

5836. Had you and Rogers ever seen Jones together?—No.

5837. Do you know of your own knowledge whether Rogers had ever seen Jones to speak to?—I do not know that he had ever seen him. I should suppose he had before then; yes, he had before then; I remember it.

5838. Can you say when?—I cannot.

5839. Was that shortly before the election?—No, I do not suppose it was very, but I do not remember the time; it was not worth my recollection at all.

5840. Did you vote at the election?—Yes.

5841. For whom did you vote?—For Sir Richard Glass.

5842. How many letter carriers have you in the office?—I have only one letter carrier.

5843. What is the rest of your staff?—They are rural messengers, the others.

5844. How many of those have you got?—I have four of them.

5845. Are you the superintendent in chief?—Yes, I am.

5846. You all got votes for the first time; I believe this time?—Yes, those that are in a position to vote.

5847. How did your messengers vote?—I have only one messenger that did vote, and that was the William Jones.

5848. When this conversation is alleged to have taken place between William Jones and yourself, which you contradicted as to its being the worse for him, was there anybody else present?—No, there was not.

Re-examined by *Mr. Poland*.

5849. How long have you been postmaster?—How long; well really 10 or 11 years; but upon my word I could not say exactly without referring to my memoranda.

[The Witness withdrew.]

Mr. JOSEPH ROGERS, sworn; Examined by *Mr. Poland*.

*Mr.
J. Rogers.*
—

5850. Do you carry on business at Stourport?—Yes.

5851. What as?—As a tanner and leather merchant.

5852. I suppose you have done so for some years?—Yes.

5853. Did you vote at the last election?—Yes.

5854. For Sir Richard Glass?—Yes.

5855. Were you all through one of his supporters?—Yes.

5856. Do you know a man named Fort?—Yes.

5857. Was there anything said in your presence by Sir Richard Glass to him, or in your presence at all, that you and Mr. Radford would make it all right for Fort?—I was not present when Sir Richard Glass saw Stephen Fort.

5858. Had you any authority from Sir Richard in any way to make promises or to give bribes to voters?—Sir Richard told me he would not allow any one to canvass for him but his agents.

5859. You had no authority to make it all right, or to treat or to bribe for Sir Richard?—No, I had not.

5860. Did you see Mr. Radford and Sir Richard with Fort?—I did not. I saw Fort coming along the street. I said, "Will you speak to Fort; I will go to my mother's; I have not seen her for some time; she lives just over the way."

5861. Was Sir Richard Glass out canvassing then?—We had just started from Mr. Crowther's office.

5862. Was Mr. Radford with him?—Mr. Radford was with him.

5863. I believe you have been in court nearly all the time during this inquiry?—Most of the time.

5864. Did you hear a man of the name of Jones examined?—I did.

5865. That is the rural postman?—Yes.

5866. Did you canvass him?—I met him; I went into Charles's one night, as I very frequently

do; I was going down the street, after leaving my office, on my way home, and I went into Charles's shop, the postmaster's, as I frequently do. I believe, on that occasion, I went to ask about some asphalt I wanted for roofing.

5867. Were Jones and his wife there?—They were not. On my coming out of the shop, Jones came in with his bags.

5868. What did you say to him?—I said, "Oh; Jones, I want to see you to ask whether Sir Richard Glass can see you about your vote."

5869. What more was said?—We walked across the street, and at the top of the street his wife met him.

5870. When you saw his wife, did she say anything?—"Jones has been summoned from the 'Swan' house to see you."

5871. *Mr. Justice Blackburn.*] Can you tell us what day this was; you said it was on one occasion?—I cannot tell you; it was shortly; I should think a fortnight or three weeks before the election.

5872. *Mr. Poland.*] What did the wife say?—"Some one from the 'Swan' has been down to our house to see you," and I laughed. I said, "Shall I speak to you here or go down with you." They live close by.

5873. What did she say to that?—She said, "You may as well come down."

5874. Did you go down?—I did.

5875. Where to?—To Jones's house.

5876. What was said there?—They asked me to take a seat there, which I did.

5877. Go on?—Jones's wife said, "We are very poor."

5878. What did you say to that?—I said, "I know you are, but whose fault is it; is it not your own conduct that has got you into trouble several times." She said, "Yes, it is, but we mean to be better in future." I said, "I hope you will." She then said, "We have been offered money by the other party."

5879. What

5879. What did you say to that?—Jones said, “Shut your mouth you damned fool, you will get yourself into trouble.”

5880. What more was said?—Jones said, “I want a new arm very badly, I wish you would give me one.”

5881. Mr. Justice *Blackburn.*] What was it he wanted?—A new arm; he is a one-armed man.

5882. Mr. *Poland.*] What did you say to that?—I said I should be very happy to do so, but not at election times.

5883. What more passed?—“If I gave you one, they would say I had given it you for your vote.”

5884. What more was said?—He said, “Oh, the Baldwins have been very good to me.”

5885. What did you say to that?—I said, “I know they have.”

5886. What more?—“They got you your place before you went to the post-office, and you lost it through your bad conduct.”

5887. I do not understand that; was not he then in the employment of the post-office?—Yes, before he went to the post-office.

5888. What did you say to that; what more was said?—He said, “Oh, they are very good friends to me now for all that.”

5889. What did you say to that; did you say anything about the post-office?—I said, “You have been reported several times to the post-office, and you had better be steady; your wife has had a summons once or twice for you, and once, I believe, for attempting to cut her throat. If you get off drinking this election, you will very likely get into trouble again.”

5890. Anything further?—He says, “Can you do anything for me; it is all very fine talking.”

5891. What did you say?—I said, “No, I cannot do anything for you; will you promise me one thing, that you will not promise your vote until you have seen Sir Richard Glass.”

5892. What did he say to that?—“I do not know about that.”

5893. Anything more?—I got up to leave, and at the door I said, “Do not go to that man at the ‘Swan’ again; you will very likely get into trouble if you do,” and then I left him.

5894. Had you known anything of Jones’s family before; did his father work for you?—His father, or his (*pausing*).

5895. Some relation?—There was a woman named Jones who had had several children by different people, and she married a man——

5896. Never mind about that?—I believe his father had worked for us for 40 or 50 years.

5897. Is it true that you said to him that it would be worse for him if he did not vote for Sir Richard; that he would lose his situation in the post-office?—

Mr. *Chandos Leigh.*] I do not think he said so.

5898. Mr. *Poland.*] Did you say anything to the effect that he would be reported, and lose his place if he did not vote for Sir Richard Glass?—I did not.

5899. Mr. Justice *Blackburn.*] In speaking to Jones about his vote, did you say anything to the effect that if he offended Charles he would lose his situation?—I did not.

5900. Mr. *Poland.*] Who is the Mr. Baldwins who was referred to in the conversation?—They are ironfounders in Stourport, and strong supporters of Mr. Lloyd.

5901. Are they related to one of the petitioners?—He is one of the firm, I believe.

5902. And it was in the service of the firm that this man lost his arm, was it not?—It was in their employ, but not the present firm.

5903. Did you, during the election or before the election, ever give a treat to anybody at any public-houses?—I did not.

5904. I believe a demonstration we have heard spoken of was at your house, was it?—Yes; in my grounds.

5905. That was on the 5th of September?—I believe it was the 5th of September.

5906. Mr. *Poland.*]—Do you know a man named Ainsworth?—I do.

5907. Did you see him some time in October?—I believe I did. I did.

5908. What part of October was it?—The latter end of October, I believe.

5909. Was Mr. Radford present?—He was standing at the door.

5910. Was anybody else with him?—Mr. Gardner.

5911. Anybody else?—George Anderson was near there.

5912. Anybody else; was Sir Richard Glass there or not?—No, he was not.

5913. What was said?—We knocked at the door; some one came, and we went in: “Well Ben,” I said, “I have come to see whether you can see Sir Richard about your vote”; he said, “I do not know, I have not made up my mind.”

5914. What did you say to that?—I said, “Well, I wish you would make up your mind and let me bring him to see you.” He said, “No, I shall not make up my mind at present.”

5915. What more was said?—I cannot remember that anything more was said about the election; we were talking about different things not connected with the election.

5916. Was anything said by Mr. Radford in your presence about work?—When I left I said, “Just come out of the house”; Mr. Radford had just come in; he said, “Where are you at work now?”

5917. Were you present?—I was outside the door; Mr. Radford was inside; it was a very small room; it was the back kitchen where they were sitting; Mr. Radford came in, and he said, “Oh, Ben, where are you working now”; he said, “I have no work; I wish I had.”

5918. Did you hear what Mr. Radford said then?—“I want some one to fit my new sheds up with gas works. If you like to go and do it you can do it, or can you tell me any one that can do it.” As far as I remember he said, “I do not know”; Mr. Radford says, “Well, if you like to go you can go, and you can go to-morrow morning.” I did not hear Mr. Radford say anything at all to Ainsworth about his vote.

5919. Do you employ many men yourself?—Fifty or sixty, sometimes more.

5920. Did some of them vote for Mr. Lloyd?—Three of them, I believe.

5921. Did you allow either side, either Mr. Lloyd or Sir Richard Glass, to canvass your men while they were at work at all?—Sir Richard Glass to the best of my belief never went into my works to canvass the men at all, and I was never asked by Mr. Lloyd; Sir Richard Glass never canvassed any of my men while they were at work.

Mr.
J. Rogers.
23 January
1869.

Mr.
J. Rogers.

Cross-examined by Mr. Fitzjames Stephen.

23 January
1869.

5922. Sir Richard Glass told you he would permit no one to canvass on his account except his agents?—Yes.

5923. You have told us about your conversation with Jones and with Ainsworth; I suppose in other cases you went and ascertained whether they could see Sir Richard Glass about their votes?—I asked when Sir Richard Glass could see them; when they would like to see Sir Richard Glass.

5924. You went and asked people when they could see Sir Richard Glass about their votes?—Yes.

5925. And I suppose you went and told Sir Richard Glass when those people could see him?—He generally drove down to Stourport from Sick Hill to know if there was anything to report.

5926. Where did he go in Stourport?—He went to Mr. Gardner's office.

5927. You went to Mr. Gardner's office, I suppose, also to report?—Sometimes I was there, and sometimes I went sometimes to Mr. Crowther.

5928. You would report either to Mr. Gardner or Mr. Crowther, as the case might be, when the voters you had seen could see Sir Richard Glass?—Yes, or to George Anderson, the clerk.

5929. And how many voters do you suppose you saw in that manner?—A good many, because the works were all closed to Sir Richard Glass; he could only get at the working men to canvass them at night, and at meal times, and it was then a very great risk, because he was hooted and so insulted.

5930. He was the unpopular candidate at Stourport?—He was the unpopular candidate at Stourport, because I believe it was hinted to them that they were to insult him.

5931. The result of your answer was for the reason you have mentioned; you had to go to a good many persons upon this errand?—I did ask several other people.

5932. You went, I suppose, practically to ask this question: "When can you see Sir Richard Glass," of most or a large proportion of the voters round Stourport?—A good many of them.

5933. Did you afterwards, on many occasions, go with Sir Richard Glass to introduce him?—I introduced him at first when he came into—

5934. You went about with him, but I mean after you had ascertained that a given man would see Sir Richard Glass at a particular time; was it your practice to go round afterwards?—Sometimes I did, and sometimes I did not.

5935. Now of course, I suppose when you asked a man whether he would see Sir Richard Glass, you had conversations with him like these, varying according to circumstances, but those you have given us are more or less a specimen?—There was a good deal said generally when I went to see them.

5936. Some of them would tell you that they had made up their minds, and a great many that they had not?—Some shut me up at once.

5937. Not many I know. There would be conversation upon those occasions?—Many of them told me they would vote for Sir Richard if they dared.

5938. That they would if you dared?—That they would if they dared.

5939. Did you advise them to dare and be courageous; did you point out to them the duty

of giving their vote according to their conscience?—Yes; I tried to get out of them who threatened them, but I never could do it. Some of them said that their children would lose their work if they voted for Sir Richard Glass.

5940. How many people in your own employment were voters; three, you say, voted for Mr. Lloyd?—I think there were 18 or 20. Mr. Wat-son, I dare say, can tell you. Mr. Morgan has got it on paper behind you; I have it only in memory; about 18 or 20.

5941. Eighteen or twenty voters who voted for Sir Richard Glass?—No, altogether.

5942. Then there would be from 15 to 18 who voted for Sir Richard Glass out of your works?—Yes.

5943. Did you introduce Sir Richard to them?—At their homes I did.

5944. Did you call at their homes in the first instance, to ask when they could see him?—No, I did not, because I went at dinner-time.

5945. You knew that they could see him, then?—I knew they would be at home at dinner-time.

5946. Amongst other people, of course you know Mr. Danks?—Yes.

5947. You conversed with him at various times about the election?—Yes.

5948. Did he introduce Sir Richard to voters, and inquire when and where voters could see Sir Richard?—Not to my knowledge.

5949. Did you ever go with him on any occasion?—I believe, to the best of my belief, I never canvassed with Mr. Danks.

5950. You never canvassed with Mr. Danks?—Not with Sir Richard and Mr. Danks.

5951. Did you ever canvass with Mr. Danks without Sir Richard?—No.

5952. Mr. Danks has a good many men in his employment who are voters?—I believe he has.

5953. Did he tell you, or did anybody in his establishment or connected with him tell you, where those men were?—Yes.

5954. Did he tell you?—Yes, Mr. Danks told me.

5955. Did he tell you that some of them were at Bristol?—Yes.

5956. And others at Gloucester?—Yes.

5957. In consequence of what he told you, did you send your man, William Rowley, down there?—I asked him if he would go.

5958. He is a labouring man, is he not?—He is a labouring man; he works for me, and he does other jobs too.

5959. I mean he is a poor man?—I do not know that he is a poor man.

5960. Did you ask him if he would go to Bristol and Gloucester?—I did.

5961. Did you pay his expenses?—No, I did not.

5962. Do you know who did?—I do not.

5963. He did go, did he not?—I believe he did go.

5964. Was he working for you at that time?—He was.

5965. How was he paid at that time; by the day or by the week?—By the week.

5966. Did you pay him his week's wages the time he was away?—I paid the whole of my men in my employment the whole of the time they lost during the election, whether they were voters or not, those who voted for Mr. Lloyd included. Some of them said, "We do not want it"; then I said, "I shall give it to the poor;" but you will all have your full time.

5867. So

5967. So Rowley came in with the rest?—Yes.

5968. You asked him to go?—Yes.

5969. Did you tell him who he was to find?—I did not mention any names.

5970. Did you tell him of Mr. Danks's men, and where they were?—I did tell him that some of Mr. Danks's men worked at Gloucester and Bristol.

5971. Did you tell him to bring them back?—To ask them if they would like to come back.

5972. Suppose they liked to come back, what was he to do then?—I did not give him any orders what to do with them; if they liked to come back, they might come back.

5973. You could not authorise Mr. Danks's men to come away from their work, you know; you were not their master; had Mr. Danks given you leave to say so?—Yes, he had; he said, "Any men that like to come back to vote at the election may do so."

5974. You asked Rowley if he would go, and Rowley agreed; Yes.

5975. Do you happen to know from Rowley, or otherwise, how many of Mr. Danks's men were brought back; I will not say, were brought back, but came back?—I cannot say.

Mr. Justice *Blackburn* observed that that would not be evidence.

5976. Mr. *Fitzjames Stephen*.] Do you know any of Mr. Danks's men personally?—I know several of them.

5977. Were you at the poll at Stourport to see the people voting?—I was in and out a good deal most of the day.

5978. Did you see any of Mr. Danks's men come up to vote?—I might have seen them; I must have seen many of them come up with the others to vote; but I did not take any particular notice, nor to the best of my belief speak to any of them; oh, yes, I did though.

5979. Did you see Rowley with any of them?—I cannot say that I did; I did speak to one of Mr. Danks's men; two of them, in fact.

5980. I shall not ask what you said to them?—I will tell you, if you like.

5981. I will not ask you?—I went down to his house.

5982. Have you been down sometimes on a Sunday; do you know that Mr. Danks's men, and Mr. Danks's boats, or whatever you call them, are used to come up on a Sunday to Stourport?—I do not know that they do; they may, or may not; I do not notice Mr. Danks's boats.

5983. Have you not been down there sometimes on a Sunday with Mr. Danks?—No; I have not.

5984. Have you not been down to the boats when they came up on any day of the week with Mr. Danks?—Not with Mr. Danks.

5985. With Mr. Radford?—I may have been with Mr. Radford.

5986. Have you not spoken to the men and canvassed them; I give you your own word?—I have asked them—

5987. Whether Sir Richard Glass could see them?—Yes.

5988. And whether they had made up their minds?—Yes.

5989. Used Mr. Radford to go with you on these occasions when you called at people's houses, as you have described?—Yes.

5990. And used he to report at Mr. Crowther's office?—I believe not; Mr. Radford was very little at Stourport, not to my knowledge; he may have done so.

5991. Did you go up at night with Mr. Radford ever to see these men?—Not Danks's men.

5992. But any voters?—I cannot say; I am not sure; I may have done so, I may not.

5993. Just a word about the "Monstration"; it was a very handsome "Monstration," was it not?—I do not know what you call handsome.

5994. There were a great number of people there?—There were a great many people there.

5995. And distinguished personages made excuses for not coming, and so on?—I believe so.

5996. And there was a good deal of eating and drinking going on there?—Yes.

5997. Was it at your expense?—No.

5998. Whose?—I cannot say.

5999. Did Sir Richard Glass pay any of it?—Not a shilling; not that I know.

6000. You do not know who paid it?—I do not; I gave my grounds.

6001. Refreshments came quite unknown to you?—They were brought on the ground; I did not pay for them, nor order them.

6002. Who did you give your grounds to?—The Kidderminster Conservative Men's Association.

6003. But who are those; what were their names?—They are most of them strangers to me, and the association sent to me and asked me if I would go and see them at their rooms in Kidderminster.

6004. Did you know the name of any person whom you authorised to use your grounds at any time?—Longmore; some such name I authorised; they asked me to see a flag they had, a new flag.

6005. I dare say it was very pretty?—They thought so, and were very anxious to get a piece of it.

6006. When you asked Rowley whether he would like to go to Bristol, and he went as far as you know, have you ever spoken to him about that since?—He has begun to speak to me, and I have said, "Say nothing at all about it; you will be called in court, and you can say what you like there." Is that all, Mr. Stephen?

Mr. *Fitzjames Stephen*.] That is all.

[The Witness withdrew.

WILLIAM FOWLER, sworn; Examined by Mr. *Poland*.

6007. WHAT are you?—Carpenter and Joiner.

6008. Where do you live?—Oaklands-row.

6009. Is that at Bewdley?—Yes.

6010. Are you a voter?—Yes.

6011. Did you vote for Sir Richard?—Yes.

6012. Do you know a person of the name of Hamer?—Yes.

6013. Did you ask him to vote for Sir Richard?—No.

9.

6014. Did you say to Hamer when you asked him to vote for Sir Richard, "Will 5 l. be of any use to you in a small way of business"?—I never asked him to vote, but I asked him if 5 l. would do him good in any way of business, and he said 5 l. or 6 l. would be of use to him.

6015. Tell us what you had to say to him; how did the conversation begin?—He came up to my house for some work, and I paid him for it,

J Rogers.

23 January
1869.

W. Fowler.

W. Fowler.
23 January
1869.

it, and walked down the garden walk with him, and he was talking about business; he wanted some money to begin the shoe trade, and I asked him if 5 l. would be of any use to him: that is all that was said.

6016. Did you lend him the 5 l.?—No.

6017. What did he say when you asked him if 5 l. would be of any use to him?—He said 5 l. or 6 l. would be of use to him in his trade.

6018. How came you not to lend it to him?—Because I had not got it, and I did not intend if I had.

6019. What made you say that, then?—I only asked him if it would do him any good.

6020. Did you in any way offer him 5 l. if he would vote for Sir Richard?—No.

6021. Or hold out any inducement to him?—No, I never asked him to vote for any one.

6022. How far were you from the street when this conversation took place?—Five or six yards, or more perhaps.

6023. What is Hamer?—A shoemaker.

6024. How long have you known him?—Five or six years perhaps.

6025. Are you parish clerk?—Yes, at St. Anne's in the street here.

Cross-examined by Mr. Fitzjames Stephen.

6026. Whom did you vote for?—Sir Richard Glass.

6027. Have you spoken to any of your fellow voters about voting for Sir Richard Glass?—Perhaps I may.

6028. Of course you may, but have you?—Yes, I may have asked them, but I never asked him.

6029. But you have spoken to others?—Yes, I have.

6030. How many others do you suppose you have spoken to?—I cannot tell, three or four perhaps.

6031. After you had asked them, did you tell anybody what they had said?—No.

6032. Do you know Mr. Betts?—Yes.

6033. Did you ever tell Mr. Betts about what the voters had said?—Not to the best of my knowledge.

6034. You are sure you did not?—I cannot say, perhaps I may.

6035. Do you know Mr. Gardener?—Yes.

6036. Did you ever tell Mr. Gardener?—Not that I know of, perhaps I may, I cannot say.

6037. Do you know Mr. Pardoe?—Yes.

6038. Did you ever tell Mr. Pardoe?—I might have told him.

6039. You said nothing to Hamer about voting at all?—No.

6040. Did you mention to anybody at all that you had asked Hamer whether five pounds would do him any good?—No.

6041. You kept it quiet to yourself?—Yes.

6042. Did you mention it to Mr. Betts?—No, not to the best of my knowledge.

6043. May you have mentioned it to Mr. Betts?—I may, I will not be certain.

6044. Did you see Mr. Betts?—No.

6045. Are you sure you did not?—No, not that day after I had seen Hamer.

6046. When did you see Mr. Betts; did you see Mr. Betts on the day of the poll?—Yes.

6047. What time of the day of the poll did you see Mr. Betts?—Between 9 and 10, I believe about nine.

6048. When you saw Mr. Betts on the day of

the poll about nine o'clock, did you tell him what you had said to Hamer?—No.

6049. Quite sure?—Certain.

6050. When you say you may have spoken to Betts about it, when may you have done so?—I do not recollect that I did; if I did, it was on the day before the poll.

6051. And you are not sure that you did not speak to him?—No, I am not sure that I did not.

6052. How came you to ask Hamer whether 5 l. would do him any good?—I do not know.

6053. Give a reason?—I had no reason at all in particular; we were talking about business affairs, and I asked him whether 5 l. would do him any good, and he said 5 l. or 6 l. would.

6054. You knew he was quite a poor man?—Yes, because he told me so himself.

6055. Then you knew 5 l. or 6 l. would of course do him good?—Yes.

6056. Then why did you ask him?—I do not know, I had no particular reason.

6057. Had you ever talked to Hamer about the election?—No.

6058. At all?—I never did.

6059. Where had you seen him last before this talk about the 5 l.?—On the Saturday night, I think.

6060. Where did you see him on the Saturday night?—At my house.

6061. What was he at your house about, on the Saturday night?—What brought him there; some business work.

6062. Looking for work, was he?—No.

6063. Did he come for work that he had done?—Yes work, he had done on the Monday, the nomination day.

6064. How long was he at your house that night?—Perhaps an hour, I do not know.

6065. You were talking together, I suppose?—No, I did not talk much, I had a brother who was talking to him.

6066. Were they talking about the election?—I do not know what they was talking about, they was talking to themselves.

6067. Did you not hear anything they said?—No.

6068. Were you all in one room?—Yes.

6069. What were you doing?—Nothing.

6070. Did you join in the conversation?—No, I did not.

6071. Was it a large room, or was it a small one?—Not a very large one, nor a very small one.

6072. Mr. Justice Blackburn.] When was it that your brother was speaking to him?—Saturday night.

6073. What Saturday?—Saturday before the election.

6074. Mr. Fitzjames Stephen.] Then you could hear what was said?—I did not.

6075. You could?—I did not want to hear their business; it was not my business, they was not talking about me.

6076. You could not help hearing if these people were talking in the room, when you were doing nothing?—Yes, I could, if they were not speaking loud enough.

6077. Were Hamer and your brother speaking very low?—Yes, they was, I did not hear all they said.

6078. You did not hear all, but part of it?—Yes.

6079. Tell us anything they said?—I do not know what it was about now.

6080. Was

6080. Was it about the election at all?—It was not.

6081. Or about politics?—No.

6082. Or about Sir Richard Glass?—No.

6083. Then if you know it was not that, tell us what it was?—I cannot tell what it was about.

6084. How do you know it was not about the election?—I cannot tell what it was about.

6085. Then, why did you say positively just now that they were not talking about the election?—I do not know what they were talking about.

I cannot say positively that they was not.

6086. When did you see Hamer last?—I saw him as I came up here.

6087. Did you see him last night?—No.

6088. Did you not see Hamer last night, between 11 and 12?—No.

6089. Not in the course of the evening?—No.

6090. Were you at your own house last night all the evening?—Yes.

6091. What time did you go to bed?—Ten o'clock, soon after.

6092. And you were not up after that?—No.

6093. Have you spoken to Hamer?—No.

6094. Yesterday, I mean?—No.

6095. Were you up an entry with him last night?—No, I was not.

6096. Near the churchyard?—No, I was not, and I did not see Hamer last night.

6097. You might speak to a man without seeing him?—I did not see him.

6098. Nor speak to him?—No.

6099. You have voted before in elections, I take it?—No, this is the first election I ever voted at.

6100. The first time you ever had a vote?—Yes.

6101. I see we have got amongst the election bills here that you made a ladder: "To William Fowler, to making a ladder, 6s."?—Yes.

6102. When was that?—I do not know; you got it there; perhaps you can tell.

6103. Who gave you the order to make a ladder?—A man of the name of Thomas Poole.

6104. Who is Thomas Poole?—A man who lives in the town here.

6105. Why did you charge this to Mr. Pardoe?—I was ordered to do so.

6106. What was it for?—I did not know what it was for. I did not ask the question; I do not ask questions like them.

6107. Who ordered you to charge it to Mr. Pardoe?—Poole.

6108. Did you see any people watching about?—I may have.

6109. But did you?—Yes, I did.

6110. Did you see Poole watching?—No, I did not.

Re-examined by Mr. Poland.

6111. Did you see the ladder being used afterwards for posting bills up against the wall?—I never saw it.

6112. You never saw it used?—No.

[The Witness withdrew.]

Mr. BENJAMIN GARDNER, sworn; Examined by Mr. Poland.

6113. ARE you a Solicitor?—I am.

6114. Do you practice at Bewdley?—Yes.

6115. You have done so for many years, I believe?—More than 30.

6116. Were you one of Sir Richard's agents?—I was.

6117. And was Mr. Pardoe also one of his agents here?—He was.

6118. What were your instructions from Sir Richard?—I do not know that I had any particular instructions. Sir Richard, in meeting his friends, said that he would do nothing but what was straightforward and right, and that he would have nothing to do with treating or bribery.

6119. Was there anything said about canvassing?—He said he would see every voter himself.

6120. Have you received any money for your services?—Some, I have.

6121. How much have you received?—£. 50.

6122. Is that on account?—Yes.

6123. Did you know, at some of the public-houses, of beer being served without being paid for?—I did not.

6124. And at a particular time, what is termed the tap being stopped?—I did not.

6125. Were you in the court, and did you hear the evidence with regard to that part of the case?—I have heard a great deal of it.

6126. As to what was done at these public-houses; serving beer for nothing, and Burnish, Mr. Pardoe's clerk, stopping the tap; were you a party to that in any way?—I did not know till I had heard the evidence given in court that there had been meetings at one-half the houses that have been mentioned.

6127. Had you anything to do with the watchers?—Nothing at all.

9.

6128. Did you either engage them or pay them?—Neither; nor did I know them.

6129. Have you been engaged in other elections?—Never.

6130. So far as you are concerned personally, are you aware of any corrupt practice taking place on behalf of Sir Richard, for the purpose of procuring votes?—I am not.

6131. Did you see a man named Ainsworth?—I did.

6132. Were Radford and Mr. Rogers present?—They were.

6133. Will you shortly state what your memory is upon what took place?—I accompanied Mr. Rogers and Mr. Radford, or they accompanied me. Mr. Rogers was the principal spokes man; he told Ainsworth that he wished to know when Sir Robert Glass could see him respecting his vote.

6134. Mr. Fitzjames Stephen.] Who told him?—Mr. Rogers was then speaking, and he hoped that he would allow him to put his name down for Sir Richard. Ainsworth said that he did not know, he must consider about it. Mr. Rogers said the time was getting near now, and they wanted to make up their books to see how they stood. Well, he said, he must consider about it; and then I urged his making up his mind, and told him that Sir Richard Glass, I thought, was quite the poor man's friend, and that he had been a great employer of labour, and would make an excellent representative. Still he would not say that he would allow us to put his name down. I believe then we were leaving, and Mr. Radford said, "Ainsworth, who are you at work for now; is it Mr. Baldwin?" he said, no, he was out of work, he wished he could get some. Mr. Radford

P 2

W. Fowler.

23 January
1869.

Mr.
B. Gardner.

Mr.
B. Gardner.
23 January
1869.

ford said that he wished some gas fittings put up at Kidderminster, if he liked to go there, and he could go the next morning, and it would take him perhaps three weeks or a month.

6135. Mr. Poland.] What did he say?—He did not say that he would go.

Cross-examined by Mr. Fitzjames Stephen.

6136. I think you were not an advertised agent, were you?—No.

6137. Was any agent advertised except Mr. Pardoe?—I believe not.

6138. I suppose you have not finally made out your bill; you said you had got 50 £ on account?—No, I have not made out my bill.

6139. As one lawyer to another, can you give me a notion how much it will be?—No, I cannot; there was never a word said to me about paying, and I have never asked any one about paying.

6140. I need not ask you, you know very well that you cannot charge him beyond the amount that you charge to the election agent within a given time, and yet you say that you have not sent in any bill?—None.

6141. You have charged 50 £ there?—I have not charged it, I have been paid it.

6142. You delivered no bill?—I have not.

6143. Have got no receipt?—No.

6144. You consider you still have a claim?—I have no doubt I shall get further paid, but I do not care whether I do or not. I did not wish to be an agent.

6145. And you know that you cannot recover it?—Yes, I do.

6146. You heard it mentioned in evidence that you were at several public-houses?—Yes.

6147. Without going through the names of them, were you, in fact, at those public-houses? I was at three.

6148. Well, I think your name was mentioned at three; two of them were the two that Sir Richard Glass was at?—Yes.

6149. And one was one where he was not?—Yes.

6150. What were their names; there was the "Rising Sun"?—The "Rising Sun."

6151. And the "Waggon and Horses"?—Yes.

6152. And, I think, the "Coach and Horses"?—No, the "Rifleman."

6153. How long were you at the "Rifleman"?—Perhaps an hour and a half.

6154. What were you doing there?—Well, first of all, I had my dinner there.

6155. You live in the town?—No; I live three miles away, and I had to walk about three miles home at night afterwards.

6156. Are you then in the habit of dining at a place like the "Rifleman"?—No; but I had been canvassing the whole day at Stourport, and I came up by the train that arrived between seven and eight, and I went to the nearest place to have something to eat; I was very hungry.

6157. You were at the "Rifleman" for the purposes of refreshment?—Yes.

6158. Entirely?—No; I had arranged to go there.

6159. Had you arranged the meeting?—No; I had not arranged the meeting. I heard there was to be one.

6160. From whom?—Elcock invited me.

6161. And you accepted his invitation?—Yes; not certainly.

6162. Conditionally?—Yes.

6163. I need hardly ask you, did Elcock ever before invite you to his house?—No.

6164. And I need not ask you, a gentleman of your position in life, you never associated with him in any way?—I did not; he assigned a reason why I should go; he said, in all probability I should see two or three fresh supporters of Sir Richard Glass.

6165. Did you canvass when you were there?—I did. I think I saw two persons.

6166. Were other supporters of Sir Richard Glass present besides yourself, I mean of his regular supporters, when you were canvassing at the "Rifleman"?—No, I think not.

6167. Was Mr. Boucher there?—Yes, he was; but he was not in the room where I was canvassing.

6168. Mr. Boucher was in the habit of going about canvassing, was he not?—I saw him with Sir Richard Glass several times.

6169. Frequently?—Yes.

6170. And Mr. Bury too?—Yes.

6171. Do you know William Jackson?—Yes.

6172. Have you seen him with Sir Richard Glass?—No, not canvassing with him.

6173. Have you seen him in his company?—Yes.

6174. How often?—Not many times.

6175. A dozen times?—I saw him in his company that evening at the "Rising Sun."

6176. Did you see him in his company on any other occasion besides the "Rising Sun"?—Well, he called at the "Waggon and Horses" coming back. I do not know that I have seen him in his company at other times.

6177. Have you seen Jackson canvassing at other times?—No; I do not know that he ever did canvass.

6178. Have you ever spoken to Jackson about the election?—Yes, I have asked him where the electors lived; he is a Wribbenhall man, and knows almost all the electors there, and I do not.

6179. When you asked him where the Wribbenhall voters lived, did he go with you to show you?—He did once or twice; but if you will allow me to consider it, I do not know that he has done so.

6180. Will you say he did not?—Well, I hardly know what to say to that. I have met him, I may say, at the "Rising Sun," but I do not know that he ever went with me to any place; I do not recollect that he did; I do not think he did.

6181. He went with you from the "Rising Sun" to the "Waggon and Horses"?—That was coming home.

6182. It was not after Sir Richard Glass had left?—No; I came with Sir Richard Glass.

6183. You heard Mr. Goodwin give his evidence?—No, I did not.

6184. He was the man who said he was canvassed?—Yes.

6185. Did you see Jackson speak to and canvass any others that evening?—I did not; I saw a lot of people in the room, and could not recognise any one.

6186. And you cannot say whether or not what Goodwin stated about Jackson canvassing him was correct?—I did not hear of his being canvassed.

6187. You cannot say whether it was correct?—No.

6188. Do

6188. Do you know John Parsons; Mr. Parsons?—Yes.

6189. Has Mr. Parsons ever gone canvassing with you?—Yes.

6190. How often?—I have seen Mr. Parsons once or twice at Stourport; he attends there about once a-week, and I have seen him there once or twice, and here once or twice; not more, I think.

6191. Sir Richard, you say, carried on a personal canvass?—Yes.

6192. Did you make reports to Sir Richard of the results of your canvass?—Always.

6193. Do you know whether Mr. Boucher made reports?—I cannot say.

6194. Where used you to make reports?—Mr. Pardoe had a book which, if he was not with me, I took.

6195. You must have had some place where you talked over these things; where used you to meet?—At Mr. Pardoe's office.

6196. And there you discussed from time to time the results of the canvass?—Yes.

6197. Whom have you seen discussing the results of the canvass, at Mr. Pardoe's office, besides Mr. Pardoe and yourself?—I have seen Mr. Shaw there.

6198. Have you seen Mr. Herbert Pardoe there?—Yes.

6199. I believe Mr. Herbert Pardoe is an admitted attorney?—Yes.

6200. And did Mr. Herbert Pardoe communicate the results of canvassing?—I think he took it down rather than communicated it.

6201. Do you know whether he ever canvassed himself; have you seen him canvassing?—No; he has gone with us, but I never heard him canvass a person.

6202. He took down what passed?—Yes.

6203. With reference to Mr. Burgess, have you seen him at Mr. Pardoe's office?—Yes.

6204. And have you heard him state the results of canvassing?—Yes.

6205. Dr. Webster?—Yes; I have seen Dr. Webster there.

6206. You have heard Dr. Webster communicate the results of canvassing?—No, I do not know that I have.

6207. Have you heard him talking about the election?—He has been present while we have been talking.

6208. I suppose the conversation would be general?—Yes, it would.

6209. And did Dr. Webster take part in it?—Yes.

6210. And, as a matter of course, the conversation would turn upon the election and on Sir Richard Glass's prospects?—Oftentimes.

6211. As a rule?—I do not know that.

6212. You met there for business; to talk over the business of the election?—Of course.

6213. You used the expression, in the course of your evidence in chief, "I did not know, until I heard the evidence, that there had been meetings at half the houses I heard mentioned?"—I did; I said so.

6214. Then you did know that there had been meetings held at a considerable number of houses?—I attended two myself, as I tell you.

6215. And you heard of others?—Yesterday and the day before.

6216. I mean, during the canvass, had you heard of other meetings held at public-houses besides the two which you attended yourself?—I heard of one or two.

9.

6217. You know Mr. Weaver, of the "George Hotel"?—Yes.

6218. Did you make an arrangement with Mr. Weaver, for the use of his house for Sir Richard?—Yes.

6219. You did engage with Mr. Weaver for the use of the "George"?—I did.

6220. Was it used by Sir Richard?—Yes, many times.

6221. At that time were any terms mentioned; any price mentioned?—None.

6222. What was the arrangement; how long was Sir Richard to have the house; just tell us what the arrangement was?—Mr. Hemming, in the first instance, had engaged the house, and I had asked for it before Mr. Hemming had asked for it positively; as soon as I wished to take the house for Sir Richard Glass, Mr. Hemming was then applied to, to know whether he would have it, and Mr. Hemming took the house; he occupied the house as long as he was a candidate; and on his retiring from his candidature, I applied for it again.

6223. And got it?—And got it.

6224. Naturally?—Naturally.

6225. You wanted to prevent Mr. Lloyd from having it?—No; we wanted it because it was the most convenient house; we wanted it in the first instance.

6226. What was it engaged for; what was it used for?—We went in sometimes to have lunch; those sort of things.

6227. Did you see people there, about the business of the election?—Not except those who were canvassing with me.

6228. Those who were canvassing used the "George"?—Mr. Herbert Pardoe and myself, and Sir Richard and myself. We had not much use for it till we got towards polling time.

6229. Which rooms did you use; the large sitting-room in front?—One of the rooms in front.

6230. You know the room I mean, I dare say; the large room in front?—Upstairs?

6231. Yes?—We did not use that, I think, till the nomination day; I think not.

6232. You used the best room in the house?—Yes; we should have had it certainly.

6233. You received no bill from the "George"?—No.

6234. Do you know whether any has been sent in?—I believe there has.

6235. Do you know the amount?—No.

6236. Was the "Wheatsheaf" engaged in that manner?—I do not know in what way the "Wheatsheaf" was engaged; I had nothing to do with that.

6237. But have you not been in the habit yourself of going to the "Wheatsheaf," and having lunch there, and so on?—Yes.

6238. I mean in connection with this business?—Yes.

6239. Was that on the business of the election?—Yes.

6240. And of course you would not pay for that?—No, not when I was there.

6241. Then the "Wheatsheaf" was used also?—Yes; I think more commonly Sir Richard put his horses there.

6242. But you also occasionally used the "Wheatsheaf," and you yourself have had refreshment there?—Yes.

6243. And the canvassers, I suppose?—I have seen two or three there.

6244. Having refreshment?—Yes.

P 3

6245. Mr.

Mr.
B. Gardner.
—
23 January
1869.

Mr. B. Gardner. 6245. Mr. Boucher and Mr. Barry?—Yes, I am not quite sure about one of them.
 6246. And Mr. Pardoe?—Mr. Herbert Pardoe.

23 January 1869. 6247. Do you know whether any bill has been sent in, in respect of the "Wheatsheaf"—No.

6248. About these watchers; you know nothing about that?—I do not.

6249. That they were put on?—No, I knew there were such persons.

6250. Can your memory enable you to give me the names of any of the watchers?—I did not know any of them. I dare say, if they were pointed out to me, I should be able to give some of the names, but I do not know any of them.

6251. You did not know them personally?—No.

Re-examined by Mr. Poland.

6252. Did you know there were such persons as watchers on both sides?—Yes.

6253. Do you know of your own knowledge whether the bill for the "George" has been sent in?—Yes.

6254. I believe the "George" is the only hotel in Bewdley?—It is the chief hotel.

6255. The others are more like ordinary public-houses?—Yes; the "Wheatsheaf" is a house at which commercial travellers stop.

6256. You were asked about William Jackson being with Sir Richard; are you able to state with any degree of certainty whether you have seen William Jackson with Sir Richard on more than two occasions?—I do not think I ever did.

6257. Mr. Herbert Pardoe you have been asked about is the son of Mr. Acton Pardoe?—Yes.

6258. And he is not in partnership?—I believe not.

6259. He is a clerk in his father's office, as far as you know?—I suppose he is.

6260. Mr. Justice Blackburn.] I rather gather from what has taken place, but I want to know for certain; had you anything to do with the payment of any of these expenses yourself?—Not a bit.

6261. Neither for yourself nor your clerk?—No.

6262. So that you do not know who paid the sums that are made up?—I do not.

[The Witness withdrew.]

Mr. WILLIAM ALFRED CROWTHER, sworn; Examined by Mr. Poland.

Mr. W. A. Crowther. 6263. ARE you a Solicitor?—I am.

6264. Practising at Stourport?—Practising at Kidderminster, with a branch office at Stourport.

6265. Were you one of Sir Richard's agents in this election?—I was.

6266. We have heard you had two sums of 300 l.; 600 l. in all?—I had.

6267. Perhaps you can give us the dates now readily; what is the date of the first one?

Mr. Fitzjames Stephen stated that the letter showed that one sum was sent on the 28th August, and the other on the 9th of November.

6268. Mr. Poland.] There is Sir Richard's letter accompanying the first?—Yes.

6269. Did you attend to the registration in your district?—I did.

6270. It was the first registration under the new Reform Act?—It was.

6271. Now I will ask you this: In spending this money, did you apply any of it for the purposes of bribing or treating, or corrupting in any way any of the electors?—Not a penny.

6272. This money was sent you for strictly legal expenses of the election, and for legitimate expenses; professional services?—Yes; I have Sir Richard's letter sending it me.

6273. As far as you know, was any portion of that money applied illegally?—None.

Mr. Justice Blackburn desired that Mr. Poland should ask how it was applied.

6274. Mr. Poland.] How was it applied?—The first sum of 300 l.: 100 l. I gave to Mr. Pardoe, and the other I applied towards general expenses of the registration.

6275. Mr. Justice Blackburn.] That is the other 200 l.?—Yes.

6276. As to the second 300 l.?—As to the second 300 l.; at the time I had it. I was under the impression that I should have the payment of the bills connected with Stourport. I have not; and therefore that second 300 l. I have, with the

exception of my own claim for professional services. Mr. Pardoe paid the Stourport bills.

6277. Then have you still got the 300 l. in your possession?—Yes.

6278. Mr. Poland.] Is Stourport a large district of the electoral area?—Yes, it is a large district.

6279. Were you at all aware of the houses at Bewdley being kept open at certain times for the persons to have beer without paying for it?—I had not the slightest knowledge of that.

6280. Did anything of that kind take place at Stourport?—No.

Cross-examined by Mr. Fitzjames Stephen.

6281. Did you put on any watchers at Stourport?—None; I had better explain that I was principally engaged at Kidderminster.

6282. But you were an agent?—I was an agent.

6283. You were not an advertised agent, I think?—As far as I am aware.

6284. Mr. Pardoe was the only advertised agent?—As far as I am aware; I am not aware that it has ever been advertised at all.

6285. Were you not at the hustings?—No.

6286. The day of the election?—No.

6287. At all events, you are acquainted with the Act under which it is necessary to have an advertised agent?—Yes.

6288. And you are acquainted, of course, with the provision that no payment shall be made, and no advance, loan, or deposit found on behalf of any candidate at an election before or during or after such election in respect of it, otherwise than through an agent or agents, whose names and addresses have been delivered in writing to the returning officer on or before the day of nomination?—Well, I had not studied that before the election.

6289. You see it is an irregularity on your part spending any money at all?—It appears so.

6290. Then all the money you have received, with the exception of 200 l. for registration, you have

have either got or have handed over to Mr. Pardoe?—Yes.

6291. And how much have you got?—I have not made out an account, therefore I cannot tell you.

6292. Not made out the account?—No.

6293. Then you have paid some expenses?—I have not made out my own account; I do not know what I may be allowed for my own services.

6294. You have not made out your bill for your own services?—No, I have not.

6295. Have you got any bills to pay?—I have got the check clerks and the slip clerks; I think they look to me for payment.

6296. Have you received any bills from anybody?—Yes; I have received, I think, the check clerks' bill.

6297. And any other?—I think a bill of 28*l.* for the advertising.

6298. From whom?—From the “Kidderminster Times” newspaper.

6299. Have you received any other bills whatever?—I have received a bill for the inspectors, and for the services of a gentleman who managed the election on the nomination day and the polling day; I could not be there; I was at Kidderminster.

6300. What is that gentleman?—Mr. Jeffreys Humphrey, of Halesowen.

6301. What is the amount of that bill?—I think it is 20 guineas.

6302. You have received bills for 28*l.* and 20 guineas; have you received any from any inns or hotels at Stourport?—No.

6303. Anything for the “Bell”?—No.

6304. So that the whole amount for which you have received bills, apart from the registration, is 49*l.*?—There would be the check clerks.

6305. The check clerks, whatever they would be?—Yes; a guinea each, I think it is.

6306. How many check clerks?—I think two checks and two slips.

6307. That would be 5*l.*, say?—Yes.

6308. So that altogether you have received bills of between 50*l.* and 60*l.*?—It would be so.

6309. Have you made out a detailed statement in the account here of the registration expenses?—I have not.

6310. Have you paid them all?—Yes, with the exception of a little bill for printing.

6311. How much would that be?—A very small amount.

6312. Something trifling?—Quite trifling.

6313. Have you ever made out an account of the registration expenses?—I have not; any time that Sir Richard requires an account, I shall be prepared; it is a work of great labour, and I have not gone into it; I have not made out a bill.

6314. Now, will you tell me what the registration expenses were?—They were expenses of getting information.

6315. What kind of expense; now, first of all, whom did you employ to get information?—Well I did not employ anybody; there were several working; working men volunteered to get information, and I did get it.

6316. Then, you did not have to pay them?—Yes, I had to pay them something.

6317. How much did you pay them?—They were paid differently; I did not pay them myself.

6318. Who did pay them?—My clerk.

6319. What is his name?—Anderson.

6320. How many of them?—I think, ten.

6321. Give us an idea what kinds of sums were

paid?—I think the majority were paid 3*l.* each, that is, so far as I know; I think all were paid 3*l.* each except one, who had not attended so much as the others; I do not know what he was paid.

6322. Ten men, who volunteered their services, were paid 3*l.* a-piece?—No; nine 3*l.* a-piece.

6323. Who were the volunteers; give their names?—I cannot give them; I can give you some of them.

6324. Give us some of them?—If you can give me a list of voters, I could tell them.

6325. You shall have a list of voters?—I did not pay them myself.

6326. Your clerk paid them?—Yes.

6327. It is within your knowledge of office business; now take the list, and tell us?—John Taylor was one; I do not know whether I can recollect all the names.

6328. The list of voters will enable you to say, you say?—Yes.

6329. Therefore they were all voters?—Most of them were, I know; I am not quite certain whether they were all voters or not.

6330. When was this?—That I cannot tell you.

6331. You must recollect; we all know when the registration was this year; it was early in September?—Yes, it would be after the revision.

6332. It would be before the revision?—No, after the revision. I mean it was after the revision when the monies were paid. Of course these parties would be getting information up to the very time of the day of revision.

6333. Perhaps you can give me the date of revision at Stourport?—Well, I cannot.

6334. About?—I do not know whether it would be about the middle of September; in fact, I cannot say.

6335. Was it in September or October?—I think September; I should think about the 25th.

6336. Then there were these sums of 3*l.* paid to the nine volunteers, most of whom were voters, shortly after the registration?—After the revision.

6337. Who attended the revising barrister's court?—I did, and a gentleman from Hereford who acted as advocate.

6338. How long; was it all got through in a day?—Yes, that is the business before the revising barrister was all got through in a day.

6339. Now, what did the gentleman from Hereford charge for coming down specially as advocate on that occasion?—I believe it was between 22*l.* and 23*l.*

6340. Give me the benefit of the shillings, and make it 23*l.*?—Yes.

6341. What did you charge?—I have made no charge at all.

6342. Besides the acquiring information, and the expense of attending the revision, what other expense was there of registration?—None except the forms and stationery, and small matters of that sort.

6343. How much would that come to together?—Not 5*l.*, I should think.

6344. Then we have got now about 50*l.* for the matters you mentioned, and 5*l.* for the check clerks, and 23*l.* for the advocate; that makes 82*l.* altogether, I am told?—I have not followed the calculation.

6345. I want to know now what the other 120*l.* were. You spoke of 200*l.* which you paid for expenses of registration; you have only given

Mr. W. A. Crowther.

23 January 1869.

Mr. W. A.
Crowther.
—
23 January
1869.

me 82 l.?—I know. I shall be prepared to render an account any time of my disbursements. I shall have to make out a bill, and it will be for Sir Richard Glass to determine whether it is a fair bill. I do not know whether it will be, but the labour was immense, I may say. For nearly a fortnight I was engaged from perhaps between seven and eight until between 10 and 11, night after night. I only want what is fair and reasonable.

6346. Then it is 120 l. for your own personal services, to make up the 300 l.?—No, what I say is this: I have to make up a fair and reasonable bill. I have received 300 l. on account of registration expenses, and it is for me to account for that; I shall debit myself with that 300 l., and make my bill on the other side.

6347. And the disbursements, the money out of pocket, is about 80 l.?—I have not calculated it.

6348. Whatever it is, the difference between what you have mentioned and 300 l. is for your own personal services?—I do not say so.

6349. You have to account for that?—Yes; I have to account for that; against which I shall have the debit of my services.

6350. Your business was confined to Stourport; you had nothing to with Bewdley?—Nothing at all.

6351. What is the constituency of Stourport; come, with these immense labours, you know, you must have found out that?—Between 500 and 600, I think. I do not know; the register speaks for itself.

6352. Is it 400?—I am sure I do not know.

6353. I am told it is between 400 and 500?—Well, whatever it is, it speaks for itself.

6354. You were Sir Richard Glass's agent at Stourport, you know?—Yes.

6355. You can tell us how many votes were given for Sir Richard Glass at Stourport?—I think, 143.

6356. How many for Mr. Lloyd?—Two hundred and eighty-one, was it?

6357. How many did you put on the register as the result of your exertions?—I do not know that I can tell you them now; we struck off a great many of our opponents and put on a great many of our friends.

6358. I want to know the numbers?—I cannot say without the papers.

6359. You can tell me about?—I do not know that I can, because the papers were very elaborate: the information was very elaborate. I believe that no Liberal voter who had not a qualification was allowed to remain on, and that no Conservative who had a qualification was omitted.

6360. What I want is, to get an idea of the numbers that you struck off and put on?—I cannot tell you; I have not got any materials here.

6361. Can you tell us whether you put on a hundred?—No, certainly not.

6362. Did you strike off a hundred?—No, I should think not.

6363. Did you put on 50?—No, I should think not.

6364. Did you put on 30?—A good many were re-claims.

6365. Did you put on 20 contested votes?—No, I should think not, perhaps.

6366. Did you put on ten?—That I cannot tell you.

6367. Did you put on five?—Oh, I should think so.

6368. You think five?—I should think considerably more because a number of the re-claims were contested.

6369. Never mind about the re-claims, but tell me how many objected votes you will swear that you put on to that register, and how many new claims were put on?—I cannot tell you without the books.

6370. Independently of the question of re-claims, will you swear that you put 10 new votes on that register?—I think so.

6371. You can either swear or not?—I cannot swear.

6372. Can you swear that you put on five, independently of the re-claims?—I should think so.

6373. Can you swear that you put on three?—Certainly; yes.

6374. You can swear that you put on three?—You are really taking me at a disadvantage; I have not the papers here; the papers will speak for themselves.

6375. You can swear that you put on three, and you cannot swear that you put on five?—I do not wish to say what is untrue; the papers will speak for themselves.

6376. I am perfectly well aware you speak the truth, and applaud you for it; I want to know whether you will swear you put on three votes, independently of re-claims, at that time?—I should think so, and considerably more.

6377. Will you swear positively that you did?—Yes, I think I can swear positively that I did; I was thinking of some of the names.

6378. Take your time, and tell us when?—William Jones was one; my impression is, that 10 were put on.

6379. Will you positively swear that you put on anyone besides William Jones?—Yes.

6380. Will you swear that you put on two besides William Jones?—I do not wish to state that which is untrue.

6381. It might be untrue to say you put on three?—Certainly not; I have no difficulty about swearing that.

6382. Then you will not swear to five?—I should think 10, or more than 10, when I come to consider; I would not tell you I thought so, unless I believed so.

6383. You think about 10; you cannot be positive beyond about three?—No.

6384. With regard to objections and votes you struck off; how many votes did you strike off the other side; I do not want to take you all through the 150, but tell me how many votes you can positively say you struck off on the other side, and how many you think you struck off?—I should think we struck off between 30 and 40.

6385. One more question about the registration. I do not ask you to go into particulars, but I ask you this question?—That was rectified at Stourport that you are asking about.

6386. You had a prevision of what I was going to ask about?—Yes.

6387. Perhaps you know about Bewdley, then?—No, only by rumour. I heard of wonderful success.

6388. When did you pay, if you please, this hundred pounds to Mr. Pardoe; you paid over a hundred of the first three hundred to him?—I received that on the 28th of August, and it would be paid over three or four days after.

Re-examined by Mr. Poland.

6389. Do you know the number on the old register at Stourport, whether it was about 150?—One hundred and fifty I think would be the old register.

6390. Since the new Reform Act, I see altogether about 424 voted. I suppose there were more on the list?—Yes, more on the list; I think something like 500 on the list altogether.

6391. With regard to the registration it is all important that you should get accurate information with regard to the opinions of the voters, I suppose?—Yes; Sir Richard Glass said that must be done thoroughly and done well.

6392. I suppose you cannot get that information without paying for it, not even at Stourport?—No; I find I cannot get any good information at Stourport without paying for it.

6393. Do Messrs. Baldwin employ a large number of hands at Stourport?—Yes.

6394. The petitioner, Mr. Baldwin?—The petitioner Mr. Baldwin.

Mr. Justice Blackburn stated that it was unnecessary to pursue this line of examination.

6395. Mr. Poland.] Mr. Humphrey you say

WILLIAM JACKSON sworn; Examined by Mr. Poland.

6401. What are you?—Plumber and glazier.

6402. Do you live at Bewdley?—Live at Wribbenthal.

6403. Before the election did you assist the Conservative party at all?—I did.

6404. You had no vote yourself?—No vote myself.

6405. What did you do?—Merely gained information, what I could, and made a report.

6406. And did you on one or two occasions point out the places where some of the voters lived at Wribbenthal?—I did.

6407. I suppose, like most people, you saw Sir Richard in the course of his canvass?—I saw Sir Richard in the course of his canvass.

6408. Now what I want to ask you about first is this; after the election was over did Mr. Pardoe employ you to pay the watchers?—He did.

6409. Is that Mr. Acton Pardoe?—Mr. Herbert Pardoe.

6410. Had you a list given to you?—I had a list given to me; I have it with me.

6411. Just produce it?—(*The Witness handed it to Mr. Poland.*)

6412. How much money had you given to you?—173 l. 12 s. at three different times; you will find the total on the back of that.

6413. And were you to pay the persons mentioned in this list?—I was to assist in seeing the paying of the persons mentioned in that list.

6414. Where were they to be paid?—At Osman Pountney's, the "Malt Shovel."

6415. How were they to be paid there?—There was two appointed to assist me.

6416. Who were those two persons?—I do not know.

6417. Were they strangers to you?—Entirely so.

6418. Where did you first see them?—In a bed-room, up in Mr. Pountney's.

attended for the registration to assist you?—No; Mr. Garold of Hereford.

6396. Who is the gentleman who attended on the poll-pay?—Mr. Humphrey on the nomination day and the poll-day; I was engaged elsewhere.

6397. You were engaged at Kidderminster; was the election the same day?—The same day.

6398. As to these men that you paid for the information; did you make any arrangement with them when you paid, that they were to vote for Sir Richard Glass?—Not the slightest; they were about the staunchest supporters we had at Stourport.

6399. They gave you information, and you paid them for it?—Yes; they were engaged at my office every night till 10 or 11 o'clock.

6400. Was 3 l. in your judgment a fair sum?—Some of our party thought it too little; but I considered it sufficient. Complaints were made that I had not paid them sufficiently.

On the application of Mr. Fitzjames Stephen, Mr. Justice Blackburn stated that the witness must find out the names of the persons whom he had paid.

[The Witness withdrew.]

M. W. A.
Crouther.
—
23 January
1869.

W. Jackson.
—

6419. Did they wear any disguise?—Yes.

6420. What was the disguise?—A wig.

6421. Both of them each had a disguise?—I will not swear both; one had a wig.

6422. Anything else; any other disguise but a wig?—One had a false beard; I should imagine it false.

6423. I dare say your imagination is accurate; where were the watchers when they were paid?—They were called one by one up the stairs into the room where we were paying.

6424. Who was at the door?—Osman Pountney.

6425. The landlord?—The landlord.

6426. And were they let in one at a time?—Let in one at a time.

6427. Who had the money?—These two strangers.

6428. You had given it to them, had you?—I had put it on the table.

6429. Did you keep the list?—I kept the list, and called the names over.

6430. What did you do as each was paid?—I called the next name over, taking them in rotation, according to the list.

6431. What did you do with the list; how did you know each had been paid?—By crossing the name off, you will find.

6432. Did you cross out the whole of the name, or only the surname?—Surname and Christian name; scored right across them; erased altogether.

6433. Just look (*handing the list to the Witness*)?—That was my intention.

6434. You crossed out only the surname in almost all the instances; just look at that?—Yes, on the other list I crossed out both (*pointing to another part of the list*); I knew I had done it on some portion of it.

6435. When you had the list had any of the names been already crossed out from it?—No.

Q

6436. Are

W. Jackson.

23 January
1869.

6436. Are you aware whether you paid any person who was a voter?—I did not pay any voter.

6437. Was any voter paid in your presence?—No voter was paid in my presence.

6438. I do not want to lead you; are you quite sure that before you had that list, some of the names had been crossed out?—They had not.

6439. You are sure about that, are you?—I am sure about that.

6440. Who was this disguise used by; did you pay them up at the "Malt Shovel," can you say that?—I cannot say.

6441. You do not know?—I do not know. I was not in disguise.

6442. Did you know nearly all the men?—I did not many. I did not know.

6443. But many you did know?—Many I did know.

6444. And many knew you?—And many knew me.

6445. How many times was this gone through, this mode of payment?—Three different times.

6446. And did you use the same list?—No. I can point out to you three different lists; you will find them in different handwritings. That is the first payment (*pointing to a list*), the first four sheets.

6447. Which was the second lot; that one where the adding up is?—Yes; you see the total amount at the bottom, 30 l. 5 s.

6448. The first one adding up is 123 l.; just see if those are the three separate lists now (*handing three separate batches of papers to the Witness*)?—Yes, they are.

6449. Are they in the order now, number 1, 2, and 3?—They are.

6450. And were the same two mysterious strangers there on each occasion?—Only the first occasion.

6451. Mr. Justice *Blackburn*.] Were they all three at Osman Pountney's?—No, only the first payment.

6452. Mr. *Poland*.] What interval was that after the election?—On the Friday following. The first payment.

6453. When did you make the second payment?—On the Monday following.

6454. And where?—At my shop in Wribben-hall.

6455. And the third?—At my shop on the day following; on the Tuesday.

6456. How was it these watchers came to your shop, do you know?—They felt dissatisfied at the first payment; said they wanted more money.

6457. Did you arrange that with them, that they were to come to your shop?—I arranged that they were to meet at Mr. Pardoe's next morning at the office, and see what he said, as I could not do anything more.

6458. What did they do at Mr. Pardoe's the next morning?—Had their names put down for more money.

6459. Mr. Justice *Blackburn*.] Were you there?—I were not.

6460. Mr. *Poland*.] After the money had been paid by the strangers, what became of them, do you know?—I do not know. I left them in the room and went home; at least I went down to the office.

6461. Did you know their names, or were they to be found;—I did not know their names.

6462. Do you know?—I do not; entire strangers to me.

6463. Did you see them without the disguise?—I did not.

6464. Did they tell you where they came from?—No; I never asked them.

6465. I do not know that I asked you before; but was any reason given to you why the payment was to be made in this way?—There was not. I beg your pardon. Mr. Pardoe said very likely they would not be satisfied, and there might be a row; and if they knew the parties that paid them, they might beat them. Mr. Pardoe said I should meet with two strangers up at Mr. Pountney's. The reason of that was because they would very likely not be satisfied with the payment, and they would probably kick up a row, and waylay the two strangers very likely.

6466. Are you able to state positively that no other men than those on the list were paid?—I do.

6467. One of other matters; do you know a man named Goodwin at all?—I do.

6468. Did you see him one night at the "Waggon and Horses"?—I saw him outside the door.

6469. Did you give him any rum-and-water?—Not as I am aware of.

6470. Do you remember whether you had any rum-and-water yourself that night?—I had not.

6471. Did you see Goodwin at all with Sir Richard that night; did you see Sir Richard that night?—I did.

6472. How were you paid for the services you rendered in pointing out the places where the voters lived?—Never was paid at all; never expected anything.

Cross-examined by *Fitzjames Stephen*.

6473. Did Mr. Herbert Pardoe give you those three lists at once, or at different times?—At different times.

6474. When did he give you the first list?—On the Friday after the election.

6475. Do you know whose handwriting the list was in?—I did not.

6476. And you say that you paid or saw paid, a number of persons whom you did not know?—A number of persons who I did not know, and a number that I did know.

6477. Then those whom you did not know for what you knew may have been voters?—I had a proper list given me on which there were no voters at all.

6478. What you did was to call over the list?—What I did was to call over the list.

6479. And then the men appeared?—The men appeared one by one.

6480. When a man had appeared he went forward and the disguised person paid him?—The disguised person paid him.

6481. Many of the persons so paid were people whom you did not know?—Yes.

6482. All you do know, in fact, is, that the people so paid, were people answering to the names of persons in the list who received those sums of money?—Yes.

6483. And Mr. Pardoe told you not to pay voters?—He said that there were no voters in that list.

6484. Did Mr. Pardoe give you the money?—Mr. Acton Pardoe? Mr. Herbert Pardoe gave me the list.

6485. Were they both together then?—No, they was not.

6486. Whom

6486. Whom did you see first?—Mr. Herbert Pardoe.

6487. He gave you the list?—He gave me the list.

6488. And then Mr. Acton Pardoe gave you the money?—Gave me the money.

6489. How much money did Mr. Acton Pardoe give you the first time?—£. 120.

6490. What did he give it you in?—Gold and silver.

6491. Now, then, about the second list; who gave you the second list?—Mr. Herbert Pardoe.

6492. At his father's house?—At the office.

6493. And exactly the same thing took place each time did it, except that there were no strangers at the other places?—Except that there were no strangers. I paid the money myself the second time at my shop.

6494. Do you know Mr. Herbert Pardoe's handwriting?—I do not.

6495. Mr. *Justice Blackburn.*] Whose peculiar figures are those at the end summing the two up?—Burnish's.

6496. Mr. *Fitzjames Stephen*] Now, in respect to the third list; on the third list nobody is struck out at all?—You will find some ticket at the end, the same meaning.

6497. The tick means the same as striking out?—Yes.

6498. So that they were all paid there except —?—One or two.

6499. Gecage Gillam of the "Vine"?—He never attended.

6500. He did not come?—He did not come.

6501. Is that the man who keeps the "Vine," or his son?—His son, I believe.

6502. Then there is John Tolley?—John Tolley never came.

6503. You say you made an arrangement with these voters that they were to go down to Mr. Pardoe's next day; they were dissatisfied?—Not voters.

6504. Watchers, I meant to say?—Watchers.

6505. You made an arrangement with them?—I told them they had better apply at the office the next morning and see Mr. Pardoe himself.

6506. Did you see them at the office?—I did; a portion of them standing outside.

6507. Were there any men standing outside there who had not been at the place, where you had paid them at the "Malt Shovel"?—Yes, there were.

6508. Were any of the persons that came down that you saw at Mr. Pardoe's, voters?—That I saw the next morning?

6509. Yes?—Not that I am aware of.

6510. Could you say they were not?—I could venture to say they were not.

6511. None of them?—None of them.

6512. None of those who came down?—None of those who came down.

6513. Did you see any paying go on at Mr. Pardoe's?—I did not.

6514. Anybody paid there?—No, I did not. I beg your pardon, I did pay one in there myself.

6515. Who is that?—One named Bishop, William Bishop of the "Swan"; his mother keeps the "Swan."

6516. You paid William Bishop of the "Swan"?—Yes, at the office.

6517. How much did you pay him?—I think it was a sovereign; you will find it on one of those lists, I think.

6518. The men themselves who were paid, gave no receipt, did they?—No, they did not.

6519. Now about this man Goodwin; you saw him the night you were with Sir Richard Glass?—I did.

6520. Did you ask him for his vote?—I did not.

6521. Nor speak to him about his vote?—I told him Sir Richard wished to see him; he was coming down the road. I was not walking with Sir Richard.

6522. How far off was Sir Richard when you said that?—Twenty or 30 yards.

6523. Where did you go with him afterwards?—I left him in the road talking to Sir Richard; I left them in the road; I went into the back kitchen, and had some beer.

6524. Did you go into the parlour at all?—Yes.

6525. Was Sir Richard there?—Yes.

6526. Did you sit down in the parlour, at the table?—I sat down in the parlour.

6527. Had you anything to drink there?—Yes, a glass of brandy and cold water.

6528. Did you see Goodwin there?—Not to my recollection.

6529. You say you are not aware that you gave him rum and water; can you swear that you did not give him anything?—I could venture to swear I did not give him anything.

6530. Do you mean then to swear you did not give him anything?—I do swear it.

6531. Could you say whether he was drinking or not?—He had been in the parlour when I went in; I went into the back kitchen first.

6532. Had he a glass before him?—I did not notice; there were many sitting there.

6533. Had most of them sitting there, glasses before them?—Most of them had glasses before them.

After a short adjournment,

6534. Mr. *Fitzjames Stephen.*] I understand that of your own knowledge, you know nothing about these watchers?—No, I did not.

6535. You did not know how long any particular man had watched?—I did not.

6536. You did not put them on?—I did not put them on.

6537. You said you got 173*l.* I think, from Mr. Pardoe?—I did.

6538. Did you give him any back?—No, I did not.

6539. You paid it all away?—No, I have not paid it all away; there is some to be paid if they like to apply for it.

6540. How much have you got in your hands still?—I could not say.

6541. Can you say whether you have got 10*l.* in your hands?—No, I have not.

6542. How much?—£. 5 perhaps.

6543. Have you ever been asked for the balance?—No, I have not.

6544. Let me just understand about these ticks and crosses on these lists; did you pay any other men besides those who are crossed out on that list; did you pay Horton, who is not crossed out?—No, I did not pay him; I do not know any of those who are not crossed out.

6545. Did you pay those two people, in pencil, scratched out?—Yes.

Mr. *Justice Blackburn.*] Who are those?

6546. Mr. *Fitzjames Stephen.*] Thomas Slater, and

W. Jackson. and Henry Carter.—(To the *Witness.*) You added up all those sums, including Slater and Carter, to make 25*l.* 8*s.*?—I did not add them up.

23 January
1869.

6547. Who did?—Mr. Pardoe.

6548. Then what is the meaning of 5*l.* at the bottom, making up 30*l.*?—I want to see No. 1 list.

6549. What does that mean (*handing the lists to the Witness*)?—He only gave me 120*l.* at first, but the first list comes to 123*l.*; he ran it up roughly, I suppose; I asked him for 5*l.* more when I went there the next day—not the next day, the Monday, and that he gave it me to make up the 30*l.*

6550. Had you paid 123*l.* on the first list?—No, I did not pay 123*l.*

6551. How much did you pay; look at the figures?—Let me look—(*after looking at the paper*) 117*l.* 9*s.* 6*d.*

6552. I thought you told me he gave you 120*l.* the first day?—I did tell you that he gave me 120*l.* the first day, and so he did.

6553. Then you had a balance in hand?—I had a balance in hand.

6554. What did you want of the 5*l.* extra then?—There is some not paid upon that list.

6555. You say these pencil figures are Mr. Burnish's?—Yes, Mr. Pardoe asked him to run over the list when I made objections (at least not objections); but the next morning I told him I had not enough money to pay had they all applied the first day. He called Mr. Burnish up

stairs and said, "Just run over that first list," it comes to 123*l.*

6556. Do you know the Asherofts?—I do not.

6557. Do you know William Hughes and John Hughes?—I know William Hughes and John Hughes.

6558. Are they the sons of John Hughes, of the "Ruuning Horse"?—I believe they are.

6559. Do you know Henry Payne, Walter Payne, and William Payne?—I would not say I did.

6560. Do you know James Payne, of Lax-lane?—No, I do not.

6561. Do you know Charles Crump?—Charles Crump; yes, I do.

6562. And John Crump?—And John Crump.

6563. Are they the sons of Thomas Crump?—No, they are the sons of Stephen Crump.

6564. Do you know Edward Collins and John Collins?—I do not.

6565. Do you know William Carter?—No.

6566. Do you know Thomas Darks?—There are so many Darkses, I cannot say I know him personally.

6567. Is there a Thomas Darks who is the son of Benjamin Darks?—That I cannot say.

6568. I mean Benjamin Darks of Lax Lane?—No, I could not say I know him; I do not know much of Bewdley.

6569. You do not know much of Bewdley?—Not of those sort of men at least.

[The *Witness* withdrew.]

OSMAN POUNTNEY SWORN; Examined by Mr. *Poland*.

O. Pountney. 6570. Do you keep the "Malt Shovel"?—Yes.

6571. How long have done so?—About 11 years.

6572. Are you a voter yourself?—Yes.

6573. For whom did you vote?—Sir Richard Glass.

6574. After the election, do you remember William Jackson and two other men paying the watchers?—Yes.

6575. How were they paid?—I loosed them in, one at a time, in my room up-stairs.

6576. Who were inside the room?—Jackson and two strangers.

6577. Did you see the strangers?—Yes.

6578. Were they disguised?—They only had wigs on.

6579. Nothing else?—Well, I think the one had a bit of a beard on, but I could not exactly say for certain; but I think he had.

6580. How were the men let into the room?—One at a time.

6581. Mr. Justice *Blackburn*.] First of all, tell us how the two men with the wigs were brought there?—They were taken up-stairs, my missis loosed them into the room; I was called up-stairs to mind the door. I said I thought it was my place to be there. There might be a disturbance, and they might break the things, or something.

6582. Mr. *Poland*.] What did these people say they had come for?—Jackson said there was two come to pay some men with him.

6583. How were the men let in; who called their names?—Jackson called their names, and I admitted them in.

6584. Were you actually inside the room or outside?—I was inside the room.

6585. Those men were paid; did you know them as watchers?—I knew them.

6586. What were you at the door for?—To mind the door, and to take care that they did not break the things.

6587. Out of the persons who were paid (you say you have lived in your present place for about 11 years), are you able to say whether there was a single voter amongst them?—I am sure there was no voter among them.

6588. After the men had been paid, what became of the strangers?—They went away.

6589. Do you know at all who they were?—No; I do not.

6590. Nor where they have gone to?—Nor where they have gone to, nor where they came from.

6591. Do you think you would know them again if you saw them?—No, I do not think I should.

6592. Do you know the "Fox," kept by Grif-ford?—Very well, and so ought everybody.

6593. Were you there on an occasion when Mr. Pardoe was there?—I was.

6594. What day was it, do you remember?—I could not tell exactly, but it was some time in July; I could not exactly say.

6595. Did you see Mr. Pardoe on that occasion?—Yes; I saw him there.

6596. Did you see him call attention to anything at the fireplace?—I did not.

6597. Did you see him give any money to Mrs. Griffin?—No, I did not see him give her anything.

6598. Did you say "Now, Mr. Pardoe, you must leave something here"?—I did not say so.

6599. And did he say in reply "I have given her 5*s.*"?—He did not; not as I heard, and I was close by him.

6600. Did

6600. Did you see Sir Richard there on that day?—Sir Richard was up-stairs at the present time we are talking about now, when we were by the fire.

6601. Sir Richard was where?—Sir Richard was upstairs at the time.

6602. Was anything said that out of any money that was to be given to her, she was to give a quart or two of ale away, and put the rest in her pocket?—There was nothing named of the sort.

6603. Did Mrs. Griffin say anything to the effect that Gillam, of the "Vine"—?—She never named him.

6604. Was anything said about Gillam, of the "Vine," having had 10s.; and there ought to be 10s. left at the "Fox"?—They never named nothing of the sort, as I heard, any of them.

6605. Had you seen any other persons at the "Fox" that day that you are speaking of?—Mr. Pardoe, me, and Mr. Webster was there, and Sir Richard.

6606. Did you see Mr. Pardoe give anything to anybody upon that occasion, or upon any other occasion, there?—I did not.

6607. Was there an old man of the name of Rogers there?—I believe there was.

6608. Who is he; a man who lives at Bewdley?—Yes; he has lived at Bewdley ever since I can remember.

6609. What is he?—He is an old pensioner.

6610. Did you see anything given to him?—I did not see anything given to him.

6611. On the 31st of August, were you present at the same place; the "Fox"?—Yes, I was.

6612. What took place then?—Me and a man named Trow went in and we called for a pint of ale, and I asked Mrs. Griffin if the master was at home, and she said, "He is gone out." At that I just asked her how she thought Mr. Griffin was going to vote, and she says, "I do not know, for he has got a wife and family to look after; he must take care of himself"; at that Mr. Trow just drank up the drink and off we went to our Conservative Association room.

6613. Had you previously said anything about voting?—No, I did not, but a fortnight before the election Griffin stopped me going up the street, and I asked him how he was going to vote, and he said he should vote for the man as give him the most money.

6614. On the occasion you have referred to, the 31st of August, was anything said by you or in your presence about the gentlemen taking away the license?—Not a bit of it; there never was named such a thing.

6615. Have you seen these lists?—No.

6616. Just look at them (*handing the lists of watchers to the Witness*). If it is wished can you state who those different people are upon that list, so that we can tell whether there is a single voter amongst them?—Yes, I do not believe there is a voter here, I do not see that there is; I kept the door and there was no voter allowed in.

6617. You are a member of the town council are you not?—Yes.

Cross-examined by Mr. Fitzjames Stephen.

6618. There is no voter on these lists you say?—I do not believe there is.

6619. There are some names of voters, I suppose they are the names of sons?—No doubt about that.

9.

6620. There is a man named John Parminter I think?—Parmenter. *O. Pountney.*

6621. Is he the son of Parmenter, the voter? 23 January 1869.
—I believe he is.

6622. Did you personally know all those people who came to be paid?—Yes, I knew them when I admitted them in at the door.

6623. You let no man in whom you did not know?—No, I did not.

6624. Did you let in four Ashcrofts?—Yes.

6625. George, William, Samuel and John?—Yes.

6626. What relations are they to Thomas Ashcroft?—I cannot say.

6627. Do you know whether they are relations?—I believe they are, there is Thomas and John, and Samuel; there are several Ashcrofts, four or five of them; I cannot tell exactly their names.

6628. Are they sons of Thomas Ashcroft?—I do not know, there are so many Ashcrofts I cannot tell which you mean.

6629. To put it in another way, then: there is a George Ashcroft mentioned in that list, you know him because you let him in?—"Pinkey" as they call him, that is a nickname.

6630. What is the name of his father?—I am sure I cannot tell you.

6631. Where does his father live?—I am sure I do not know, I cannot tell you where his father lives.

6632. Where does he live?—Him, he did live up at the Holloway; that is the plain for Venus Bank.

6633. And do not know there is a Thomas Ashcroft that lives at Venus Bank?—There is two Thomas Ashcrofts living there.

6634. The Thomas Ashcroft that lives at Venus Bank?—They live close together, it is not 15 yards from the one to the other.

6635. Do you know whether this George Ashcroft is the son of Thomas Ashcroft of Venus Bank or either of them?—I do not believe he is.

6636. Do you know whose son he is?—No, I do not; he is almost as old as the other, the Thomas Ashcroft, and therefore he cannot be a son.

6637. Do you know what relation he is; is he a brother?—It is not a brother I am sure, I cannot tell what else he may be.

6638. William Ashcroft; do you know what his father is?—No, I do not.

6639. Where does he live?—I cannot say.

6640. What time of day was it when these people in wigs came into your house?—I did not say as they did come in with wigs on into the house; my misses admitted them in, not me.

6641. Can you say what time she admitted them?—Most likely it would be five or six; six o'clock, perhaps; I cannot tell to a little, but I should say about six o'clock.

6642. And what time was it when the paying took place?—Well, soon afterwards.

6643. Had you had any orders about it from anybody?—Mr. Jackson come up and said there was two men coming up here, and he was going to pay some watchers, and asked if I had got a room: I said, "Yes."

6644. It was Jackson who spoke to you?—I was not in the room when the strangers came, but I got it ready for them.

6645. You got the room ready and waited to see that no mischief was done?—Certainly.

6646. And you let the people in one by one?—I did.

q 3

6647. Did

O. Pountney.

23 January
1869.

6647. Did you take special notice to see that they were not voters that were paid?—I took notice of that; I was not going to let them in there without they was all right.

6648. Had anybody told you to take care that no voters came in?—Certainly not.

6649. Why did you do it?—I did it upon my own responsibility.

6650. You had no instructions about it at all?—Certainly not.

6651. Did you know it was illegal to employ voters as watchers?—Certainly not.

6652. If you did not know it was illegal to employ voters as watchers, why did you take care that none but voters came in?—Because I did not know there were any voters on, and I should not have admitted them, anyhow.

6653. Why would not you have admitted them?—I cannot tell you any more, than that I should not have admitted them in.

6654. Why not?—Because I knew myself as voters must not be allowed to have any money, and even if they had been on I should not have admitted them in.

6655. How did you know that?—Because I found it out by my own experience.

6656. What experience have you had?—I have read a little bit, and I know that no person has a right to have money for his vote.

6657. Then you thought that if any voter was paid for watching, it would be paying him money for his vote did you?—Certainly, I should think so.

6658. Therefore you watched to prevent anybody receiving money for his vote, in that form?—I did in my own house.

6659. And without any instructions?—Yes, without any instructions.

6660. As you have so much legal knowledge, I will ask you do you know anything about an Act of Parliament, which was passed last summer,

about employing voters?—I do not know much about Acts of Parliament at all, but I know a little bit when I think.

6661. So I see; you did not know anything about an Act of Parliament, forbidding voters to be employed?—I considered a little about it myself, I did not consider that a voter ought to be employed or paid as a watcher.

6662. And therefore you wished to prevent its taking place?—Certainly.

6663. You have talked about your own experience, have you been concerned in election matters before?—Only in town council affairs.

6664. Have you ever been a watcher?—No, never in my life, nor do not want to be.

6665. You say you got a room ready?—Me and the misses got it ready.

6666. How did you get it ready; did you put the table in?—There was a table in; we put the table on one side, instead of quite in the middle.

6667. Did you put a pen and ink there?—There was a pen and ink there; I did not put the pen and ink on the table, but I believe the misses did, I do not know.

6668. Was that after Mr. Taylor had spoken to you; Mr. Jackson, I mean?—Yes, certainly.

Re-examined by Mr. Poland.

6669. I think you said there are three Thomas Ashcrofts?—There are two as I know of, the one is a voter and the other is not, and the one voter was asked yesterday by one of the gentlemen to come and swear they put him on as a watcher, and he would not do it, I believe—

6670. Mr. Justice Blackburn.] You must not tell us anything, except what you are asked.

6671. Mr. Fitzjames Stephen.] Did you put the watchers on?—I did not.

6672. Do you know who did?—No, I do not.

Mr. JOHN BURY sworn; Examined by Mr. Poland.

Mr.
J. Bury.

6673. ARE you a Solicitor?—I am.

6674. Do you practice in Bewdley?—I do.

6675. Did you vote for Sir Richard Glass?—I did.

6676. Do you remember seeing John Darks on one occasion?—Yes.

6677. On what occasion?—On the occasion of having canvassed (I saw it this morning in the newspaper, I think) a person of the name of Humpherson, Joseph Humpherson, for his vote.

6678. Where was this?—It was on Mrs. Hopkins' premises, I think.

6679. Were you alone?—I was with Sir Richard Glass in the workshop.

6680. What took place?—Sir Richard Glass had a long conversation with Joseph Humpherson in his workshop, where he was turning a lathe; and he, being an intelligent man, Sir Richard stopped and talked to him for a long while upon the working classes; and it ended in his turning out he had not a vote at all; but while we were there somebody else was brought in to be canvassed, and Sir Richard canvassed him; I forget who that man was. He was asked for his vote. I do not remember the result, but I know that on leaving the premises I was the last down the wooden stairs, the flight of steps, a kind of ladder from the workshop. I was the last down, and I was asked by a man for money to drink

Sir Richard's health. I said, "Are you a voter, and what is your name?" He said, "My name is Dark." I said, "Very well; if you are no voter I suppose there is no harm in giving you something," so I gave him a couple of shillings and something, I forget what it was, odd money, I believe, but what it was I do not know.

6681. Do you know his name?—He said his name was Dark; I did not know the man before, and I do not know the man now.

6682. Do you know what he did with the money at all?—Not a bit.

6683. Did you believe at the time that he was not a voter?—Most certainly. I asked him the question before I gave him the money; thinking that the man having been no voter that we had been talking to for a long while, very likely he was not a voter either; I asked him, and he said he was no voter: he asked me for something; I said, "Very well, here is something to drink his health with."

Cross-examined by Mr. Fitzjames Stephen.

6684. What month was this in?—It was early in the canvass.

6685. Of course, as a solicitor, you knew that the register was not then made up?—The November register was not out; no.

6686. Did

Mr.
J. Bury.
—
23 January
1869

6733. I will read it; "That the Committee
Q 4 deeming

Mr. G. B.
Burnish.

23 January
1869.

deeming it expedient that every effort should be made to secure the return to Parliament of Sir Richard Atwood Glass for the borough, hold meetings." I cannot make sense of this. What I have seems to have been miscopied, will you read from the minutes?—"That the Committee deeming it expedient that every effort should be made to secure the return to Parliament of Sir Richard Atwood Glass, for the borough, hold meetings on Tuesdays and Fridays in each week until the day of election, for the purpose of voluntarily aiding him in his canvass of the electors, and that the place of each meeting be from time to time appointed by the committee: the first meeting to be held at Mr. Osman Pountney's at half-past seven punctually.

6734. That is the "Malt Shovel"?—Yes.

6735. After the passing of that resolution were meetings held?—Yes.

6736. Whereabouts?—In several parts of the town.

6737. In different public-houses?—Yes.

6738. Just name some of them?—The "Running Horse"; the "Hawthorn Bush."

6739. The "Coach and Horses"?—Yes, the "Coach and Horses."

6740. The "Rising Sun"?—Yes, the "Rising Sun."

6741. Just think of any more you have got?—The "Black Boy."

6742. At these meetings who used to be in the in the chair, generally?—I believe I occupied the chair, generally.

6743. And used you to order drink?—Yes.

6744. Were persons allowed to come in and partake of the drink without paying for it?—Yes.

6745. Was there any secrecy about this; did anybody mind the door or could anybody come in?—For a certain time it could be secret.

6746. Mr. Justice *Blackburn*.] What do you mean?—The committee invariably would meet in the room first before anyone else came in.

6747. The members of the association would meet in the room first?—Yes.

6748. And then after that?—After that the friends of members of the committee would be admitted in.

6749. Mr. *Poland*.] Who used to call for the drink, generally?—I generally called for it.

6750. And who used to stop it generally?—I did.

6751. You used to what is termed stop the tap?—Yes.

6752. Can you tell whether any meetings were held besides those on the Tuesdays and Fridays?—Yes, there were afterwards.

6753. What days were those?—They would be most evenings afterwards.

6754. Can you tell how many meetings altogether were held?—No, I could not.

6755. Could you say about from the 12th of October when this resolution was passed?—I should think about 20.

6756. Who paid for the drink?—No one.

6757. Was it paid for at any place?—It was paid for at two.

6758. Where were the two places where you paid for the drink?—The "Peacock," and, by my orders, at the "Waggon and Horses."

6759. How much was paid?—There was 3 l in one instance, and 4 l in the other.

6760. In whose name was the drink ordered at the other places?—In my name.

6761. I should have asked you, out of what funds did you pay the moneys you have mentioned, the 4 l. and the 3 l.?—The funds of the association.

6762. And in what way do you intend to pay for the other beer that has been had?—From the same fund.

6763. When you took the chair and gave the orders, and so on, were you acting in any way as the clerk to Mr. Pardoe?—Certainly not.

6764. Only as secretary to the association?—Certainly.

6765. An observation has been attributed to you about six months on the round stairs; was anything of that kind said by you?—I believe I did make use of that expression.

6766. To what had it reference?—It had reference to the general talk of the town at that time.

6767. In what way?—Nearly every one was chaffing one another with having six months; I frequently was chaffed myself, and made use of that expression, copying what was told me by others.

6768. What are the subscriptions to this association?—Honorary members half-a-guinea per year.

6769. Honorary members, that is not working men, half-a-guinea a year?—Yes, and the other members 1 d. per week.

6770. Mr. Justice *Blackburn*.] Have you got a list of the number of the honorary members, I do not care so much about their names; how many honorary members are there?—Twelve.

6771. How many common men are there?—There are 115.

6772. The income was something like 5 l. a year, and you have paid 7 l. out of the funds already?—The honorary members, some of them paid more than the half-guinea a year.

6773. Mr. *Poland*.] There were some donations?—Yes, some donations.

6774. Can you tell me accurately at all as to how much you owe for the drink at the other places?—No, I could not.

6775. Had you anything to do, as Mr. Pardoe's clerk, with putting watchers on?—No.

6776. Did you pay them at all, or see them at Mr. Pardoe's office?—I saw some about the office.

6777. Have you seen these lists; just look at them; I think you will find some pencil figures of your own (*handing the lists to the Witness*)?—Yes, I have.

6778. When did you see these lists?—I saw them to add them up.

6779. Was that previous to the persons being paid by Jackson?—I believe it was after.

6780. Were you cognizant of that arrangement which had been made to pay the watchers?—I was not.

6781. Or do you know, of your own knowledge, why they were to be paid up at Mr. Osman Pountney's?—No, I do not.

6782. Tell me this; during the time that the canvassing was going on, and so on, were you aware of any payment; did you make any payment or give any treat to voters out of the money of Mr. Pardoe?—No.

6783. As his clerk?—No.

6784. Are you personally aware of any payments made by Mr. Pardoe for bribery or treating?—I am not aware of any.

6785. Used you to use the expression "stop-

ping the tap" when you cut off the supply of beer?—Yes, I have said so.

6786. Did you assist in the registration?—A little.

6787. Do you remember any transaction about Mrs. Winwood's beer?—Mr. Draper asked me about a bill that was owing to Mrs. Winwood.

6788. What was said about that?—He saw me in the street, and called me in, and said there was a bill owing to Mrs. Winwood; would I see that I was paid to her, and not to Benjamin Carter? I said if there was a bill, and I had to pay it, she should have it instead of Benjamin Carter.

6789. Did you know anything about the men at the "Malt Shovel"?—The strangers?

6790. Yes?—No, nothing at all.

6791. You do not know who they are?—No, I do not; I never saw them.

Cross-examined by Mr. *Fitzjames Stephen*.

6792. Mrs. Winwood keeps the "Hop Pole," does she not?—She does.

6793. And it was at the "Hop Pole" that you made use of this expression about the round stairs?—It was, I believe.

6794. Was that one of the places at which you had ordered beer?—No.

6795. Who ordered the beer there?—I do not know.

6796. You took the chair there?—That was at a supper at which we each paid our own expenses.

6797. Did you pay for that?—No, we paid out of our own pockets; each individual person paid.

6798. You are sure each person paid?—Yes.

6799. Have you got the books of this Working Mens' Association?—Yes (*handing in a book*).

6800. Under the 8th rule it says that "the secretaries shall receive all monies and pay the same to the treasurer, and shall, together with the treasurer, keep accounts of all monies received and expended by him, and they shall be responsible for all monies and property in their possession belonging to the association; the accounts to be audited before the annual meeting." Have you got the accounts?—Not of what has been received and paid by the treasurer; I have not.

6801. Did you receive monies?—Yes.

6802. Have you an account of the monies which you have received?—I have.

6803. Let me see it?—Here it is (*handing it in*).

6804. Are these all the accounts that were ever kept?—No, there was a subscription book which was not posted into the cash-book (*handing it in*).

6805. This, in course of time, ought to have been posted up into this?—It ought to have been posted.

6806. Is this a list of the donations?—Yes, it is one list.

6807. "Sir Richard Glass 10*l*, John Bury two guineas, R. Acton Pardoe one guinea, Herbert Pardoe, a guinea, Whittington Landon, a guinea, Cecil Webster a guinea, W. Boucher a guinea, Benjamin Gardner a guinea, S. Price a guinea, and Mr. Mills a guinea." These monies were received by you?—Yes.

6808. Are these the lists of working men on this first page; are these all the subscriptions you ever received from working men—ordinary members (*handing the book to the Witness*)?—No.

6809. What are they, then?—They are in an-

other part of the book (*turning over the leaves, and handing back the book to Mr. Fitzjames Stephen*).

6810. That page, I suppose, and that page taken together would show the full amount which you received from ordinary members, would it not?—I think you will find some more on a third page.

6811. There is very little there?—Yes.

6812. These three would together?—Yes.

6813. You are more familiar with the books than I am; will you tell me, from just looking at that, how much you ever received from members altogether?—Very nearly 5 *l*.

6814. And from honorary members 12 guineas, I think it is entered here?—Twelve guineas.

6815. And from donations it would be according to the list handed up just now?—Yes.

6816. Here is a subscription on this list from Sir Richard Glass of 10*l*, and there is no "paid" against it; but was it paid?—It was paid.

6817. As far as I make out, there were 20*l* altogether, or between 20*l* and 21*l*, received from the donations, and 12 guineas from the honorary subscriptions, and somewhere about 5 *l*, you say, from the ordinary members?—Yes.

6818. Here you have the expenditure; is that all the expenditure which ever took place, except the drink; that is all the account that you have got?—I have several invoices and other matters that I have had to pay, when I have had to go to Kidderminster and elsewhere.

6819. Several matters for your own expenses to Kidderminster and elsewhere?—Yes.

6820. But no large matters?—Not very large.

6821. Mr. Justice *Blackburn*.] I thought you had stated you had taken a house and bought a library?—A library has been presented.

6822. But you have got a house?—Yes.

6823. Mr. *Fitzjames Stephen*.] I see nothing put down for paying for that; it was not given in gratis, was it?—Yes; the house was given in gratis.

6824. Who gave the house gratis?—Mr. Pardoe.

6825. And who presented the library?—Several gentlemen in the town.

6826. Just mention their names?—Mr. Chellingworth.

6827. Did Mr. Pardoe give any books?—No.

6828. Or Mr. Herbert Pardoe?—I do not think Mr. Herbert Pardoe gave any.

6829. Just tell us some more; Mr. Bury?—Mr. Bury gave some.

6830. Mr. Gardener?—Mr. Gardener did not; Mr. Haycock.

6831. Mr. Boucher?—Mr. Boucher did not.

6832. Who gave most of them?—Most of them were given by Mr. Chellingworth.

6833. You take in newspapers, you say?—Yes.

6834. There is no entry here of expenses for newspapers?—They have not been paid.

6835. Can you tell me how much is owing for the newspapers?—No, I could not.

6836. Would you be good enough to give me the date of the resolution that you have mentioned?—Which resolution?

6837. The one about expending the money in the way in question?—The 12th of October; that was the last in that book.

6838. I see you had a rule that there were to be four quarterly meetings in the year, on days stated, on which occasions 3*d*. a member should be expended in refreshment?—Yes.

R

6839. Is

Mr. G. B. Burnish.

23 January 1869.

Mr. G. B.
Burnish.

23 January
1869.

6839. Is there any furniture in the room?—There is some in.

6840. Whose is it?—It belongs to the Association.

6841. Who gave it them?—They ordered it.

6842. Mr. Justice *Blackburn*.] Is that paid for?—No.

6843. Mr. *Fitzjames Stephen*.] Have you received bills from any of these people at whose houses the beer was drunk; whose houses were thrown open, to speak plainly?—Yes.

6844. You know Mrs Henton, of the "Hop Pole," in Wribbenhall?—Yes.

6845. Has she not sent you in a bill?—I have not seen it.

6846. You have received no bill from her?—No.

6847. You have received no bills from any of them?—No.

6848. What business were you doing when you were staying at the "Wheatsheaf" in July and August?—The business of the office.

6849. Yes, and also of the election?—What little copying may be required I did in the office.

6850. I suppose, generally, you walk to and fro, or come to and fro somehow, from Kidderminster?—Generally I do.

6851. But during this time it was more convenient, in consequence of your services being wanted here, to stay here?—Yes; because I could not see Mr. Pardoe for his own private business until he returned.

Re-examined by Mr. *Poland*.

6852. The reading-room is still open, is it?—It is.

6853. You have the newspapers taken in regularly?—Yes.

6854. How many newspapers do you take in?—Three daily papers, and four or five weekly papers, besides some monthly magazines.

6855. Mr. *Fitzjames Stephen*.] Pray, when were the last weekly payments made of this association during the present year 1869; have those weekly payments continued to be made?—No, they have not.

6856. When were they made last?—The last

weekly payment was made a little before Christmas, I think.

6857. Do you, then, go on taking in papers now?—Yes; we expect to pay about every month chiefly.

6858. However, you have had no weekly payments since the week before Christmas?—No.

6859. Mr. *Poland*.] You say you propose to have the weekly payments made monthly?—Yes.

6860. And you have been paid up to about Christmas?—Up to a few weeks before Christmas.

6861. Did you say a few or two?—A few, I said; it is about two.

6862. Mr. Justice *Blackburn*.] I have not seen any resolution by which you were to hold additional meetings at different public-houses; is there one?—There is none entered; it was resolved by a committee afterwards.

6863. It was resolved by them, but not entered?—No, not entered.

6864. I do not see, by any resolution here, that the entertaining of friends of the committee was to be paid for out of the funds?—It was decided at the same time, but it was not entered.

6865. I have not seen in your account-book any entry of the money paid for drink, or of the liability incurred for drink?—There is no entry.

6866. No entry of any kind whatever for them?—No; I have not received the bills.

6867. You paid two, you told us?—Yes; two were paid; one by my order.

6868. But the two you have paid I do not find entered at all?—They will come in.

6869. But they are not there yet?—No.

6870. You ordered all this quantity of drink at the different places, without inquiring how much it was; you have kept no accounts of how much was supplied?—Not thoroughly.

6871. Have you at all?—Not at all, except from memory.

6872. You ordered drink in large quantities upon your own responsibility, as you tell me, relying upon the funds of the Working Men's Association, which were to come in hereafter; is that what you say?—Yes.

[The Witness withdrew.]

Mr. ROBERT ACTON PARDOE sworn; Examined by Mr. *Poland*.

Mr. R. A.
Pardoe.

6873. ARE you a solicitor?—Yes.

6874. How long have you practised in Bewdley?—About 30 years.

6875. At the last election were you Sir Richard Glass' agent?—Yes.

6876. One of his agents?—Yes.

6877. Just a word as to when Sir Richard came into the town; when he first arrived, had you some supper; some entertainment at your place?—I believe there was, but I did not see it or order it.

6878. Did you go to meet Sir Richard?—Yes.

6879. Who got up this entertainment, whatever it was?—I believe it was Mrs. Pardoe.

6880. Do you know what it cost?—No; some very trifle, I suppose.

6881. Did you meet Sir Richard at the station?—Yes.

6882. Did you get out of the carriage at your own door?—No.

6883. You went on with him to Mr. Shaw's?—Yes.

6884. Do you know of your own knowledge at all, how many persons there were in your garden?—I never saw them.

6885. We have heard that you had from Sir Richard, 500 l. I think?—Yes.

6886. Does that include the 100 l. from Mr. Gardener?—Mr. Crowther you mean; no.

6887. Then you have had 600 l. altogether?—Yes; 100 l. I had for Mr. Crowther towards the registration.

6888. Were the other 500 l. for the purposes of the election?—Yes.

6889. Were you aware of these open houses where drink was supplied for nothing?—No.

6890. Did you know that your clerk was in the habit of ordering drink at these public-houses, and allowing people to consume it without paying for it?—No.

6891. You say you were not aware of that?—No; I never attended one meeting.

6892. If anything of that kind was done by Mr.

Mr. Burnish, was it by your authority?—Mine! certainly not.

6893. Was he acting for you in any way, for the purposes of the election?—No; except as my clerk in the office.

6894. Of course he was your clerk at the time; but was he acting as your clerk, disbursing your money with your knowledge in ordering this drink, and people being allowed to consume it without paying; was that with your knowledge, sanction, or consent? No.

6895. Did you attend the registration?—Yes; partly.

6896. Have you finally made up your accounts? No.

6897. Have you applied any of this money to the purpose of corrupt practices, either bribing or treating, or any corrupt practice connected with the election?—No; certainly not.

6898. Did you employ watchers?—I employed my own man.

6899. How many watchers were employed on your side?—I could not tell.

6900. About?—(*The Witness proceeded to count the lists.*)

6901. Mr. Justice *Blackburn.*] Who retained the watchers, if you yourself did not?—I cannot tell.

6902. Whoever retained them, was it done with your knowledge?—No; it was a most extraordinary thing; I could not find out about it.

6903. Mr. *Poland.*] Has it not been the custom; you have known former elections in Bewdley, have you not?—Yes.

6904. Has it not been the custom at the elections here, on both sides, to employ watchers?—Yes.

6905. Mr. Justice *Blackburn.*] Did you say that you employed any watcher at all?—I employed my servant.

6906. For what purpose?—To act as a watcher.

6907. And him only?—Yes.

6908. Only one man, and that your own servant?—Yes.

6909. Mr. *Poland.*] Did you not know that, whoever retained them, there were a number of watchers?—Yes.

6910. There were a number of watchers acting on the side of Sir Richard Glass?—Yes.

6911. And there were watchers on the other side, were there?—Oh yes.

6912. Do you really mean to say that you do not know who appointed them?—I do not (*referring to the lists*).

6913. Mr. *Fitzjames Stephen.*] Never mind those lists?—There were some parties came to my office to report that improper practices were going on; and they asked me what was to be done; I said, "You must do what you like."

6914. Mr. Justice *Blackburn.*] When was this; was it before the election, or after the election?—Before.

6215. Mr. *Poland.*] To whom did you say they must do as they like?—There were several persons came to speak to me about it.

6916. But who were they; you were the agent, having the control of the election, and you allowed them to do as they liked; who was it; do you remember who it was?—(*The Witness remained silent.*)

6917. Mr. Justice *Blackburn.*] Attend to the question?—There was Charles Pountney, I think, called.

6918. Mr. *Poland.*] When did he call, and

and what did he say about it?—He said that the electors were being carried away; being taken away, I think; something of that sort.

6919. Go on; what else did he say?—That unless the electors were looked after, some of them would be lost.

6920. After the election, did some persons claim to be paid as watchers?—Yes.

6921. Where did they make the claim?—At my office.

6922. How many of them?—A great many; I cannot tell; my office was surrounded; and I was greatly annoyed; I was very much annoyed indeed; I could not go on with my business; there was a great excitement.

6923. What did they do?—They demanded payment.

6924. In what way?—They were very riotous, and made disturbances in the street, and I consulted with Mr. Gardner what was the proper thing to do, and I had an account of the names of the parties taken.

6925. The parties who claimed to be watchers?—Yes.

6926. Mr. Justice *Blackburn.*] Whom did you get that account from?—They came into my office, and I had their names put down as far as I could make them out.

6927. Mr. *Poland.*] Then what did you say to them about payment?—I said, "If there are any of them that are voters, I shall not pay them."

6928. You said that, did you?—Yes.

6929. What arrangement did you make about paying those who were not voters?—Then, seeing the excitement and disturbance, I thought it better to have a couple of strange men for my own protection, to protect me from paying any improperly; and I sent to Mr. Goldingham, of Worcester, to send two persons to pay those men, with Jackson.

6930. You sent to Mr. Goldingham, of Worcester, to send two men?—Yes.

6931. Who is Mr. Goldingham?—He is an attorney at Worcester.

6932. What next?—Then when the list was cast up—

6933. Did you arrange for two strange men to come from Worcester?—Yes.

6934. Where were the two strange men to go?—They went to the "Malt Shovel."

6935. To whom did you give the money?—Jackson.

6936. What directions you give to the watchers as to going there to be paid?—Nothing more than that they were sent up there to Mr. Pountney's.

6937. They were sent up there to be paid?—Yes.

6938. To whom was the list given?—To Jackson.

6939. And the money?—And the money.

6940. Do you know the names of those two men, the strange men?—No, I never saw them.

6941. You never saw them yourself?—No.

6942. Have you sent to try and find them?—Yes, every effort is being made.

6943. Will they be here either to-day or on Monday?—Yes, if possible, they will be here this evening.

6944. You have received some information?—Yes, there is no mystery about it.

6945. Did Jackson report to you what he had done?—Yes.

Mr. R. A.
Pardoe.

23 January
1869.

Mr. R. A.
Pardoe.

23 January
1869.

6946. Did the men afterwards come down to your office; some of the watchers?—Yes.

6947. What did they do there?—They were very dissatisfied.

6948. They were dissatisfied with the payment they got at the “Malt Shovel”?—Yes; they were very noisy and riotous.

6949. When they were noisy and riotous?—Then I ordered that the names of those parties should be taken down.

6950. And what was done then?—They were taken down.

6951. What then?—The list showing those that were dissatisfied, and another list that were not on the original list, and I gave him the money to pay that amounting to 30*l.* 8*s.*, I think.

6952. Besides the additional list, were some of those who were dissatisfied also paid at your office further sums?—Yes; I gave it to Jackson; I could not stand the noise and nonsense; I would not put up with the unpleasantness of having them at my office, and I gave Jackson the money.

6953. And how much altogether was paid to these watchers?—Altogether, 173*l.* 12*s.*

6954. Have you looked through those lists?—Yes.

6955. Is there a single voter on those lists?—Not that I know of; they have been gone through very carefully.

6956. As far as you know, is there a single voter on those lists?—No, not to my knowledge.

6957. Are you aware of any payment being made to any watcher who was a voter?—No; I declared that I would have nothing to do with any parties who chose to go on what they call watching, if they were voters.

6958. Did people go on watching of their own accord?—Yes.

6959. Do you know Mrs. Sophia Griffin?—Yes, I have seen her; I do not know her.

6960. Did you go to her house on the 8th of July?—I believe I did.

6961. Did you see her?—Yes.

6962. Did you direct attention to the fireplace, where there was something said about pretty paper, and did you put 5*s.* in her hand?—No.

6963. Did you say, “Here is 5*s.* for you”?—No.

6964. Did anything of this kind take place: did Osman Pountney say, “Mr. Pardoe, you must leave something,” and that then you gave her 5*s.*?—No.

6965. Did anything of that kind take place?—No.

6966. Do you remember whether you gave any money to any person on that occasion?—Yes; there was an old man in the house named Rogers, who was constantly asking me for money for something to drink, and so on, and I gave to Mrs. Griffin 1*s.* 6*d.*, and told her to give him some beer.

6967. Had the old man said anything to you?—Oh yes, he asked for some beer.

6968. Did you know the old man?—Oh, all my life; an old pensioner, constantly asking me for charity.

6969. Either on that occasion, or on any other, did you give any money for the purpose of procuring votes?—No.

6970. When you gave this 1*s.* 6*d.* where was Sir Richard Glass, do you know?—Upstairs with Griffin; Griffin was an invalid.

6971. Did you say to Mrs. Griffin, she was to give a quart or two of beer away, and put the rest in her pocket?—No.

6972. Was anything said about 10*s.* being left there; that Gillam, of “The Vine,” had had 10*s.*, and there must be 10*s.* left there?—No, there was no one there but myself, Mrs. Griffin, Osman Pountney, and old Rogers.

6973. Had Mr. Webster been there canvassing at that time?—He was with Sir Richard upstairs with the invalid.

Cross-examined by Mr. Fitzjames Stephen.

6974. It was Charles Pountney, you say, who first spoke to you about the improper practices on the other side?—Yes, you may put it in that way if you like.

6975. That is the way you have put it, you know; did Charles Pountney tell you that you must have watchers on your side?—Yes.

6976. And then you said, “You must do as you like?”—Yes.

6977. Was that all you said about it to him?—I was against the practice altogether; I left him to do as he liked.

6978. Still you told him to do as he liked?—Yes.

6979. And, although you were against the practice, you afterwards paid 170 odd pounds for people who had done it?—Yes.

6280. Now I suppose your accounts that you have returned as election agent are correct?—I spent the money.

6981. The election accounts which you have returned, are they correct?—Yes; the money is spent.

6982. Now you returned 209*l.* odd shillings for watchers and messengers, &c.?—Yes.

6983. You say in your accounts that there are 209*l.* 17*s.* 11*d.* for watchers, messengers, &c.; now I find, looking to the vouchers, there are only seven guineas vouched for messengers?—There is another account of 11*l.* 12*s.* for watchers brought in by Benjamin Carter.

6984. I am speaking now of what you have returned as election agent, you know?—Yes.

6985. Now you have returned the name of W. H. Chellingworth; Mr. John Percy acknowledges the receipt of 3*l.* 13*s.* 6*d.* as a messenger, which he received from Mr. Chellinworth?—I paid it to the man.

6986. Then Mr. Chellingworth also paid one Thomas Barrett 3*l.* 13*s.* 6*d.*, a messenger?—The same thing, a horse messenger.

6987. That makes up therefore seven guineas for messengers?—Yes.

6988. That leaves 202*l.* for watchers?—I do not know.

6989. Yes; you say 209*l.* for watchers and messengers together?—Yes.

6990. Seven guineas off that is for messengers?—Yes.

6991. Therefore 202*l.* is for watchers?—There are messengers, 4*l.* 10*s.*, besides.

6992. There is no voucher for them?—No.

6993. Mr. Justice Blackburn.] Can you give the items of that 209*l.* which is returned as one lump sum?—Yes.

6994. Mr. Fitzjames Stephen.] Do not ask questions of anyone near you; just give me the items of that 209*l.*?—202*l.*, did you say.

6995. It is 209*l.* 17*l.* 11*d.*?—I cannot, without getting information.

6996. Is

6996. Is that your handwriting there (*handing a paper to the Witness*)?—Yes.

6997. There you see is 209 *l.* 17 *s.* 11 *d.*?—Yes.

6998. Mr. Justice *Blackburn.*] Can you give now the particulars; when you wrote that 209 *l.* 17 *s.* 11 *d.*, you must have got the figures somehow; can you tell us now how you made out that amount with the items there.

6999. Mr. *Fitzjames Stephen.*] That was on the 15th January you know, just a week ago?—I must refer.

7000. Mr. Justice *Blackburn.*] To what?—Some data at my office; no, I have got them in my pocket.

7001. Mr. *Fitzjames Stephen.*] I will just tell you my difficulty, and perhaps you will explain it to me; if you add the sums mentioned in those lists as being paid to watchers, to the sums for messengers mentioned in these vouchers, you will find a difference of about 28 *l.*; I want to know what those 28 *l.* were laid out in?—I make out 15 *l.*

7002. Well, how do you explain the difference, at all events; were there any more watchers paid besides those referred to in that list?—Yes, I told you, Carter 11 *l.* 12 *s.*

7003. Mr. Justice *Blackburn.*] Who was Carter?—Benjamin Carter brought me this list of watchers that he had employed.

7004. In addition to the 173 *l.*?—Yes.

7005. Mr. *Fitzjames Stephen.*] Let me look at list?—(*It was handed to Mr. Stephen.*)

7006. You paid Carter that, did you?—Yes.

7007. Were there any more besides that?—Mr. Radford, 6 *l.* 16 *s.*

7008. Mr. Justice *Blackburn.*] That also for watchers?—At Stourport.

7009. Mr. *Fitzjames Stephen.*] Anybody else?—Samuel Clark, 1 *l.* 13 *s.*

7010. Did you pay him yourself?—Yes.

7011. As a watcher?—As a watcher; young Samuel Clark; Samuel Clark's son.

7012. Through whom did you pay him?—I paid him myself.

7013. Who employed him?—I do not know.

7014. Did he come and ask you?—Yes, he came up into my office and asked me.

7015. When?—I could not say.

7016. More than a week ago?—Yes.

7017. Why did you not put that down amongst the election expenses?—It is here.

7018. No it is not here; are those the only vouchers you have got for these watchers?—Yes.

7019. You said you employed your man Oakes as a watcher?—Yes.

7020. Did you pay him anything?—No.

7021. Now those lists that you have been referring to, not the one before you, but this list and those other lists; whose handwriting are they in; whose handwriting is that (*handing a paper to the Witness*)?—That is in Herbert Pardoe's.

7022. In whose handwriting are the other three lists?—One is Burnish's, I think; two of these appear to me to be Herbert's.

7023. You say one of them is Burnish's, one of them your son Herbert Pardoe's, and whose are the other two; there are four lists in all?—That is Burnish's (*pointing to it*).

7025. How many of them are Burnish's; three?—Two are in Burnish's, and one part of the first and two others are in Herbert's handwriting.

7025. Then two of the lists are in Herbert

Pardoe's handwriting, and two in Burnish's?—Yes; the latter part of this one appears to be not quite like Herbert's; I think it is my younger son's.

7026. Where is Mr. Radford's list?—It is in my office.

7027. The list of the voters that Radford employed?—It is in my office.

7028. I should like to see it.

Mr. Justice *Blackburn* directed the Witness to send for it.

7029. Mr. *Fitzjames Stephen.*] When all these things are put together, I make it only 202 *l.* 2 *s.* 6 *d.*; there is still 7 *l.* short; look here, 173 *l.* on the lists, you know; 11 *l.* 12 *s.* Benjamin Carter's list; 6 *l.* 16 *s.* some other list; 1 *l.* 13 *s.*, 1 *l.* 5 *s.*; that is what you paid yourself, the 1 *l.* 5 *s.*—No; one guinea.

7030. And 4 *l.* 10 *s.*?—Yes.

7031. That makes, if you add it up, 195 *l.*—There is 1 *l.* 19 *s.* 11 *d.* also.

7032. What is that for?—Messengers.

7033. What messengers?—Not one alone, but a variety.

7034. Now in addition to that there are 7 *l.* 7 *s.* for two messengers whose names are in the vouchers?—Yes; and posting bills, Millward, 5 *s.*, and Clark 1 *l.*

7035. That makes 1 *l.* 5 *s.*?—Yes.

7036. That only makes 205 *l.* 5 *s.* instead of 209 *l.* 17 *s.* 11 *d.*; can you tell me this; was Millward a voter?—He lives in an almshouse.

7037. Is he a voter?—No.

7038. And Dark, is he a voter?—It is Clark.

7039. Is he a voter?—Yes.

7040. Is that Samuel Clark?—Yes.

7041. Is that the man who posted and distributed bills?—Yes.

7042. Is not that the receipt (*showing a paper to the Witness*)?—Yes.

7043. He is a voter, is he not?—Yes.

7044. That does not make it right, you know?—I think you will find it if you put the figures together.

7045. I think not; give me your items?—173 *l.* 14 *s.*, 11 *l.* 12 *s.*, 6 *l.* 16 *s.*, 1 *l.* 13 *s.*, 1 *l.* 1 *s.*, 4 *l.* 10 *s.*, 1 *l.* 19 *s.* 11 *d.*, 7 *l.* 7 *s.*, 5 *s.*, 1 *l.*; 209 *l.* 17 *s.* 11 *d.* altogether.

7046. That is a question of arithmetic; now we come back to these lists. You say that you authorised Charles Pountney to do as he liked about watchers; did you get any list from Charles Pountney of the watchers he had employed?—I do not remember.

7047. But think; did Charles Pountney ever give you any statement of the watchers whom he had employed?—I never saw it.

7048. Did he ever, to your knowledge, give anyone any statement of the watchers he employed?—He might.

7049. I know he might; but I want to know whether he did?—I cannot say.

7050. Did you ever ask him for any?—No.

7051. Nor ever have any conversation with him about it beyond what you have told us?—I told him that I would not pay for any voter that was employed.

7052. You told him that?—Yes.

7053. But did you ask him for any list or statement of the persons whom he had employed?—I think so.

7054. Did you get such a list from him?—I do not remember seeing it.

R 3

7055. Did

Mr. R. A. Pardoe.

23 January 1869.

Mr.
R.A.Pardoe.
—
23 January
1869.

7055. Did you hear of its existence from any one; did you hear from any one that Charles Pountney had made out any list, because you know you think you had asked him for it?—I do not remember seeing it.

7056. But do you remember hearing of it; did you hear of any such list made out by Charles Pountney?—I do not think I ever saw it, and that is all I can say.

7057. That is no answer to my question; did you ever hear of its existence from anybody, because you had asked about it?—I cannot say that I did.

7058. Can you say that you did not hear of its existence from any one?—No, I do not think that I had.

7059. Then you do not think you ever got any list from Charles Pountney of people he employed?—No.

7060. Is that so?—Not to the best of my knowledge.

7061. Really as a man of business you must know whether you did or not?—I did not make out the lists.

7062. I know you did not; but I ask you whether you ever got any list from Charles Pountney of the persons whom he employed?—I cannot say.

7063. You cannot get beyond that?—No.

7064. Did you tell Charles Pountney what they were to be paid?—No.

7065. Did you ask Charles Pountney what he had agreed to pay them?—No.

7066. Did you get any kind of evidence as to whether they had really watched or not; come?—*(the Witness remained silent.)*

7067. Did you get any evidence as to whether they had watched?—I endeavoured to do so.

7068. What steps did you take to find out whether they had watched or not?—Parties came to the office and had their names put down, and my clerks made inquiries.

7069. Which of your clerks inquired?—Those that made out the lists.

7070. Did Burnish?—Burnish.

7071. Burnish and your son?—Yes.

7072. When you say they inquired, do you mean that they asked the people who came to the office how much they had watched?—What their time was.

7073. Then all that you knew about it was this, that a number of men came to your office, and said that they had watched; told your son and Burnish that they had watched for a certain time?—Yes.

7074. And did they also tell you what they were to be paid for that time?—They asked; made demands of large sums.

7075. What sums did they demand?—I think some of them wanted 5 s. and 6 s. a night.

7076. Did you take any means to find out what had been promised them, or whether anything had been promised them?—There was the difficulty.

7077. I should have thought it was very difficult to refuse to pay?—I did refuse.

7078. Then why did you pay 173 l.?—Because the town was in a state of uproar.

7079. Then you paid this money under terror, in fact?—To keep the people quiet.

7080. Did you apply for protection to the mayor?—No.

7081. Did you send for the police when all

these men were round your house in this riotous condition?—The policeman, I believe, was there.

7082. But did you send for the police force?—No.

7083. You paid the money simply because you were frightened; is that your answer?—I cannot say that altogether, but I believe that there was a good deal of watching done, and I took the best account I could get.

7084. The best account being the account that these men gave to your clerks?—Yes.

7085. These lists, as far as I can see, look to me as if they had been copied from something; was there ever any other list made out from which these were copied?—I should think it must have been copied; it looks like that.

7086. Then what was it copied from?—A rough draft.

7087. And who prepared the rough draft?—Oh, the clerks.

7088. Either your son or Burnish?—Yes.

7089. And I suppose they will be able to tell us whether that rough draft is in existence; do you know whether the rough draft is in existence?—I have seen it; but I do not know now.

7090. When did you see it?—Some time ago. I cannot tell when.

7091. Where did you see it; in your office?—Yes.

7092. Is it in existence now?—No, I do not think it is.

7093. When did it cease to be in existence?—I cannot answer the question.

7094. But try; you say you think it is not now in existence; I want to know where it is; why you do not think it is in existence?—It is possible to be lost.

7095. Of course it is; but have you looked for it?—You have not asked me till this moment.

7096. When did you see it last?—I cannot tell; some time ago.

7097. And you do not know whether it is in existence or not?—No; I do not.

7098. Well, I wish you would look for it, then?—Very well.

7099. Now, you took down the names of the people who came to the house?—Yes.

7100. Were there any voters amongst the people who came to the house?—That I do not know.

7101. Will you say there were not?—I will not.

7102. Were there the names of any voters on that rough list which I have spoken of?—I would not undertake to say.

7103. Give me an idea how many people came down to your house; a couple of hundred?—They were in groups, about; I cannot say.

7104. There might be a couple of hundred; a larger number than you have got on these lists here?—I could not undertake to say; I did not count them.

7105. But you looked out, naturally?—I did.

7106. Then you can tell me whether you believe that these four lists which have been put in evidence contain the names of all the men who came to your house asking to be paid?—I cannot.

7107. Do you believe that these lists contain the names of all the men who asked to be paid; is that your belief?—I gave this direction—

7108. You can answer that by yes or no; do you

you believe that these lists contain the names of all the persons who came to your house asking to be paid?—No; I should not think they did.

7109. Now, do you not think that other persons, being voters, came to your house demanding payment; and that you refused to pay them, and took a list of the non-voters only?—I have no doubt that there were voters came; I have no doubt of it.

7110. Came demanding to be paid?—Yes; they came to be paid.

7111. It comes to this, then; your belief about the matter is that you took a list of the non-voters, and got them paid, and refused to pay the voters; is not that it?—I would not pay any voters.

7112. Then it is as I say—a number of people, voters and non-voters, came to your house to be paid, and you took a list of the non-voters and paid them, and refused to pay the voters; is not that so?—Yes, you may say so; I declined to pay any voter.

7113. Did it occur to you to make a list of the voters whom you refused to pay?—No.

7114. Would any of the names of these voters who wished to be paid appear upon that original rough list, from which you say these copies were made?—It is possible.

7115. Then I want that list and Mr. Radford's list?—

Mr. Justice *Blackburn* here inquired whether Radford's list had been sent for.

Mr. *Herbert Pardoe* stated that he could not find it.

Mr. *Fitzjames Stephen* requested Mr. Herbert Pardoe to look in his father's office for the rough draft also.

Mr. Justice *Blackburn* desired that Mr. Herbert Pardoe should bring any other papers that could be wanted.

7116. Mr. *Fitzjames Stephen*.] Now I do not understand how you were protected, by having disguised men to pay these men?—I did not ask for disguised men.

7117. Well then strangers?—They were strangers.

7118. What protection was it to you to have it paid by strangers?—If any had been paid improperly.

7119. It would have been more difficult to prove it then?—Yes, of course it would.

7120. You were engaged for the former election petition for this town?—Yes.

7121. And there was a great question of watchers on that occasion?—Yes.

7122. And a Committee of the House of Commons passed a Resolution condemning their employment; is not that so?—I do not recollect it.

7123. On your oath, you do not recollect that a Committee of the House of Commons passed this Resolution?—I do not.

Mr. Justice *Blackburn* inquired in what year it was that the Committee in question reported.

Mr. *Fitzjames Stephen* stated that it was in 1851.

7124. Mr. *Fitzjames Stephen*.] You were concerned in that election?—Yes.

7125. And called as a witness?—Yes.

7126. We will not go into old stories, especially before my Lord, but however do not you recollect, now that I put it to you, the resolution

of the Committee?—I do not; it is so many years ago.

7127. It is an important thing; that it was proved before the Committee that a practice prevailed at the borough of Bewdley in the last election, as well as in that of 1841, of carrying away and treating electors, and that in consequence of this system large bodies of men were employed on both sides, for the alleged protection of voters; that almost every public-house and beer-house in the borough was kept open during the week of election, and drink given away to a large extent. Now I read it to you, do you not recollect, or is it quite passed from your mind?—It has; for I have not read the report for a good many years.

7128. You were agent for Sir Thomas Winton?—I was not.

7129. You were agent for Mr. Ireland?—Yes.

7130. And he was unseated?—Yes.

7131. And you conducted the proceedings before the Committee?—I did not.

7132. Your agent did?—Some other person.

7133. You were the principal witness on the occasion?—I was not.

7134. You were there?—I was there; I was examined for one minute.

7135. We have been told that you were a member of this Conservative Association?—Yes.

7136. And found the house?—Yes.

7137. I was just going to ask you about another matter; in the accounts you have got here I see "Sundries for registering, stationery, postage stamps, telegrams, clerks, and incidentals, 54*l.* 7*s.* 2*d.*"?—Yes.

7138. If you look at the vouchers you have put in you will find that the total amount of "Sundries" comes to 11*l.* 17*s.* 6*d.*, and I should like the other items; it leaves a difference of 42*l.*; if you will take the vouchers I will give you the amounts; show me the items from which you have made out the total of 54*l.* 7*s.* 2*d.*?—Shall I read them?

7139. I suppose they are all written down?—Yes.

7140. Then I may as well look at them as you, if you have got them in writing?—(A paper was handed to Mr. *Fitzjames Stephen*.)

7141. Here you have amongst other things, under the head of "Refreshments, Weaver, 19*l.* 6*s.*; 'Wheatsheaf,' 9*l.* 15*s.* 6*d.*;" when were those refreshments at the "Wheatsheaf" supplied, and to whom, because there is no bill for them?—It was a small bill sent in for what was supplied to Sir Richard and the canvassers.

7142. Have you got the bill here?—No; not here.

7143. Why is it not annexed to the account?—It ought to have been.

7144. Mr. Justice *Blackburn*.] Have you made out these accounts yourself, or did you trust it to some one else to make them out?—I made them out.

7145. Then when you made them out, why did you not comply with the Act of Parliament, and give the vouchers?—I understood it was not necessary.

7146. Mr. *Fitzjames Stephen*.] You did not understand that I think from the Act of Parliament, because that says it is necessary; did you refer to this Act to see what you had to do?—Yes, I think I did once.

7147. Now this Act says that a detailed statement

Mr.
R.A. Pardoe.
23 January
1869.

Mr.
R.A. Pardoe.
23 January
1869.

ment of all election expenses incurred by or on behalf of any candidate, including such excepted payments as aforesaid, shall, within two months after the election, be made out and signed by the agent, and delivered, with the bills and vouchers relative thereto, to the returning officer; and the returning officer for the time being shall, at the expense of the candidate, within 14 days, insert, or cause to be inserted, an abstract in the newspaper," and so on; then there is a penalty, "any agent or candidate who makes default of delivering to the returning officer the statement required, shall incur a penalty not exceeding 5 l. a-day; and any agent, or candidate, who wilfully returns an untrue statement shall be guilty of a misdemeanour." Now, why did you not furnish that detailed statement; you have made it out, and you have not furnished it to the returning officer; why?—I did it as well as I could.

7148. But you have got it in your hand; you did not furnish that thing to the returning officer?—No.

7149. I ask you to show me, on these accounts, where the detailed statement is which, under Act of Parliament, you returned to the returning officer?—This is the detailed statement (*pointing to it*).

7150. Mr. Justice *Blackburn*.] Why did you not furnish a detailed statement to the returning officer?—I must plead ignorance.

7151. Let me see that detailed statement (*it was handed to his Lordship*)?—I did not know that a detailed statement was necessary; I understood it was a short statement.

7152. Mr. *Fitzjames Stephen*.] Have you received any other bills respecting this election?—Yes.

7153. Many others?—No.

7154. What did the bills which you have received amount to?—One from the "George."

7155. What does that amount to?—It is something, I think, about 120 l.

7156. Why did you not say anything about that in your statement?—I have not paid it.

7157. That is just what I want to know: what you have got to return are expenses incurred. Did not Sir Richard Glass take the "George." You have heard Mr. Gardner say that he did?—Yes.

7158. Then you mean to pay that, I suppose?—No, I do not know that I do.

7159. No part of it?—Some part of it.

7160. Why did you not make any statement in your accounts with regard to Sir Richard Glass's liability for the "George," whatever that may be?—I did not know that.

7161. You are to make a detailed statement of any election expenses incurred by or on behalf of any candidate; now you admit that Sir Richard Glass has incurred expense in respect of the taking of the "George," and you have not mentioned that?—No; it is not paid.

7162. I know it is not; but the expense is incurred?—I do not think it is incurred.

7163. Surely something is incurred?—Something is.

7164. Then why did you not make any mention of what was to be paid for the "George"?—Because I could not settle the account, I think it is so large.

7165. I dare say you do, but at the same time you ought to have put in what you omitted; you have put in 19 l. 6 s. to Weaver for refreshments?—That was a small bill that was paid.

7166. Why did you not put in any notice in

your election expenses of the expense incurred in taking the "George"?—Because I did not know it was necessary.

7167. Now, is there a bill also still due at the "Wheatsheaf"?—Yes.

7168. And no notice of that. How much is there there?—I do not know.

7169. Has that been sent in?—No.

7170. Are there any other bills that have been sent in, and of which you have taken no notice in this statement?—I have none.

7171. The only two are the "George" and the "Wheatsheaf"?—Yes, that Sir Richard Glass is liable to pay.

7172. But have any other bills been sent in which you think he is not liable to pay?—I have not had any.

7173. No bills at all?—No.

7174. From anybody?—No.

7175. Do you know of any person who has had bills sent to him claiming money from Sir Richard Glass; have any bills upon Sir Richard Glass been sent to any one, so far as you know?—Not that I know of.

7176. Now, there is a man of the name of Plevey, to whom you seem to have paid several sums of money?—Yes.

At this point Mr. Herbert Pardoe returned, and stated, in answer to Mr. *Fitzjames Stephen*, that he could not find the rough draft.

7177. Mr. *Fitzjames Stephen* (to the *Witness*).] There are three payments on account to this man Plevey; those are payments on account?—Yes.

7178. What is outstanding in respect of Plevey's charges?—It was over-charged, and I gave him the bill back to have it rectified.

7179. Where is his bill?—He has got it.

7180. What was that bill?—Posting.

7181. Carriages and horses?—Yes.

7182. What were these carriages and horses for?—Conveying me and my son about during the canvass.

7183. Were there any during the day of polling?—No; I would not have it.

7184. Now, what did the registration cost you in Bewdley?—A great deal of money.

7185. I want to know how much?—I cannot say; I have not made an estimate yet, but I have no doubt it will be from 100 l. to 150 l.

7186. How do you make that out?—By the days that I have been engaged and my clerks in it.

7187. You did not have any advocate down here from Hereford or anywhere?—Yes, we had one.

7188. Was he not paid out of that 28 l. that Mr. Crowther paid?—Yes.

7189. What other expenses were there?—None but what I and my sons and clerks have earned.

7190. Did you attend the revising barrister's court?—I was in the court.

7191. How many new votes did you put on the register that were objected to?—Very few.

7192. Ten or twenty or something of that kind?—Do you mean with the claims?

7193. No, I mean how many votes did you put on the register that were objected to on the other side?—What you mean is, "sustained"?

7194. Yes?—A good many.

7195. How

Mr.
R.A. Pardo.
23 January
1869.

7195. How many did you sustain against objections, I mean?—Oh, a great many.

7196. How many?—I should think about 90 or upwards.

7197. I must just ask you for another purpose; was there not a large batch of voters who were objected to, about matters connected with poor law relief?—Some.

7198. A large number?—No; what do you mean by a large number?

7199. Were there not 30 or 40?—Thirty, there may have been.

7200. And an objection taken to the form of the notice which was over-ruled by the revising barrister?—Yes.

7201. All the voters so objected to remained on the register?—Yes, some of the objections were withdrawn, and the others were decided by the revising barrister.

7202. How many voters are there in Bewdley alone, apart from Stourport?—Five hundred and sixty-eight.

7203. How many of them voted for Sir Richard Glass?—I think it is 510.

7204. No, not at Bewdley alone, it could not be?—Oh, no.

7205. I am told you had 285 votes here at Bewdley, and the balance at Stourport. Now I will just ask you one or two more questions; how long before the election did you see Charles Pountney?—I cannot tell.

7206. A fortnight before?—Yes.

7207. Would it be three weeks before?—I said a fortnight.

7208. Do you mean that it was a fortnight or that it was more than a fortnight before?—I should think it was less than a fortnight.

7209. About a fortnight then we may take it; now, did you not see that placarded about the town just before the election, on the day before the nomination.

Mr. Fitzjames Stephen handed to the witness the following notice, "Borough of Bewdley.—Notice.—By Statute 30 and 31 Victoria, Chapter 102, Section 11, it is enacted, that no elector who, within six months before or during any election for any county or borough, shall have been retained, hired, or employed, for all or any of the purposes of the election, for reward, by, or on behalf of any candidate, at such election, as agent, canvasser, clerk, messenger, or any other like employment, shall be entitled to vote at such election; and if he shall so vote, he shall be guilty of a misdemeanour."

—No, I do not think I did; never saw it, that I know.

7210. Was not that extensively placarded about the town?—I never saw it.

7211. Will you swear you never saw it?—I swear I never saw it.

7212. Was that placard or the substance of it never mentioned to you, called to your attention?—Not at this election; I have seen the purport of it in a newspaper.

7213. You saw the purport of this placard in a newspaper?—No.

7214. When did you see this thing in a newspaper?—I did not see that, I saw the purport of it.

7215. When did you see this newspaper with the purport of it?—Oh, I cannot tell.

7216. How long before the election; a few

days?—I do not know, I will not undertake to say.

7217. You will not undertake to say when you saw it?—No.

7218. Did you see a purport of it in the newspaper, as you say, before or after you spoke to Charles Pountney?—I cannot say.

7219. You were the honorary solicitor of this Working Men's Association, were you not?—I believe I was appointed.

7220. You believe you are so still, I suppose, and one of the objects of that was to attend to the borough registration?—Oh!

7221. Did you in your capacity of honorary solicitor, attend to the borough registration?—No.

7222. Well why did not you?—Why should I?

7223. Because the object of the association was to attend to that, and you were their solicitor?—Then I had neglected it.

7224. Did you ever discharge any duties as the honorary solicitor?—No.

7225. What did you mean by being honorary solicitor of this thing, then?—I cannot tell; some business might arise out of the association.

Re-examined by Mr. Poland.

7226. You were ready to give them your valuable advice, were you, in case the association required it?—Yes.

7227. Do you know anything of this bill, this placard; was it issued by you at all?—No, I did not issue such a bill.

7228. You have mentioned a list of Carter's. 14 l. 12 s. for watchers?—Yes.

7229. Just look at that list (*handing a list to the Witness*), are any of those voters?—No.

7230. As I understand you, as far as you know, not a single voter was paid for watching?—No.

7231. I see there is some charge for a ladder; what was that for?—For climbing up and pasting the bills; the other party were constantly pulling down our bills.

7232. You had a ladder made to paste yours higher?—Yes.

7233. How old are you?—I am about 60.

7234. Did you look at this Act of Parliament before you made these returns?—Certainly I did; but I did not study it.

7235. Can you give any further explanation why you did not make these accounts more complete?—Well, I asked the town clerk for information, and the mode in which it has been done heretofore was under certain heads, and I thought it might be done the same again; I thought it might be done this year.

7236. Can you give me at all, the names of the watchers for which Mr. Radford was paid?—No; M. Radford is here.

7237. I suppose before the revising barrister, no question was gone into of parochial relief?—One was decided.

7238. And no evidence was taken on the other cases?—No.

7239. I understand you, those papers that are produced, those lists are the identical lists that Jackson had?—He has produced them.

7240. You had better look for the rough draft and see if you can find it?—I will; there has been great confusion among my papers.

7241. And any other documents relating to this matter?—Yes.

7242. Mr. Justice Blackburn.] You paid Jack-

Mr. son 120*l.* you say, for these watchers the first time?—Yes.

23 January 1869. ——— 7243. Of course before you paid him the 120*l.* you had some reason to think it was 120*l.* you were to give him; did you make the inquiries yourself, or delegate them to some of your clerks?—My son Herbert and Burnish.

7244. It was upon their reporting to you that that was the sum, you did that?—Yes.

7245. Will you find all the original documents and accounts in any way relating to this, and have them ready, if any questions are wished to be added?—Yes.

[The Witness withdrew.]

Mr. Justice *Blackburn* desired that Mr. *Radford* should be re-called.

Mr. THOMAS RADFORD, re-called; Examined by Mr. Justice *Blackburn*.

Mr. 7246. WE understand, from your evidence, given when you were examined before, that there has been an account, for which you have been paid, of 6*l.* 16*s.* for watchers, messengers, and so on, at Stourport; is that so?—Yes, 6*l.* 16*s.* 3*d.*

7247. When did you make out that account?—I really cannot say when I made out the account, but I received the money, I believe, yesterday.

7248. What did you receive it for?—For watchers we had from Kidderminster for Stourport.

7249. Have you any copy of the account you sent in?—I have not; I left the documents behind me to-day; the men I engaged were all from Kidderminster.

7250. What were they engaged to do?—Watching.

7251. Were any of them voters?—Not at all; they were not resident in the neighbourhood.

7252. Mr. *Fitzjames Stephen*.] Was the name of a man called Allen Gould upon this list?—No.

7253. Are you sure of that?—Quite sure.

7254. Where is the list?—I have not the list; it is not by me; I could supply you with the names, if you desire them.

7255. You say that they were Kidderminster people?—All Kidderminster people.

7256. Can you say whether Allen Gould was a watcher at all?—I cannot say; I only employed these Kidderminster men myself.

7257. Did you see watchers about the street at Stourport?—I cannot say; I was myself exposed to violence.

7258. Mr. *Poland*.] Were there watchers employed on the other side at Stourport?—I suppose 200 at least.

7259. And how many did you employ?—I really could not say; I only know of the men who came from Kidderminster myself.

7260. It has been the custom in former elections to employ watchers?—Yes, there has been a custom of carrying away the voters in Stourport and Bewdley too; and the object of employing the watchers is merely to prevent their taking them away. The men were from Kidderminster whom I employed as watchers.

[The Witness withdrew.]

Mr. Justice *Blackburn* desired Mr. *Poland* to give instructions that all Mr. *Pardoe*'s books and papers in any way relating to this election should be brought into the Court on Monday morning.

[Adjourned to Monday next, at Ten o'clock.]

Monday, 25th January 1869.

23 January
1869.

Mr. *Giffard* stated that the Respondent was anxious that the Court should be informed that he had given a sum of 5*l.* to a person who had been injured in one of the attacks made upon himself and his party; he added that this case had not been mentioned.

In reply to Mr. *Fitzjames Stephen*, Mr. *Giffard* stated that he was quite willing to call Mr. *Herbert Pardoe*.

Mr. HERBERT PARDOE, sworn.

Mr. *Giffard* stated that he did not wish to ask the Witness any question.

Cross-examined by Mr. *Fitzjames Stephen*.

7261. DID you go to Kidderminster to meet some men who came down from London?—Yes.

7262. And bring them across here?—Yes.

7263. What was the date of that?—It was on the Sunday previous to the polling day.

7264. Without meaning anything offensive to those men, were they what you would call "roughs"?—Yes.

7265. How many of them were there?—Twenty-nine.

7266. The gentlemen lived in Whitechapel, did they not?—I do not know at all.

7267. They were brought over in case their services should be required?—Yes.

7268. And their services were not required?—No.

7269. I suppose either you or your father paid their expenses?—No, I did not.

7270. But they must have been paid?—I had nothing to do with them in that way.

7271. Who had?—I do not know.

7272. Who told you to go and meet them?—My father.

7273. Then you know nothing about whether those men were paid or not?—I do not.

7274. Where did they live when they were in Bewdley?—Ten of them were at the "Acorn," eight at the "Swan," and eleven at the "Peacock."

7275. When did they go home?—I do not know.

7276. When did they leave Bewdley, after the election?—The night of the nomination.

7277. How did they leave, which way did they go?—They went underneath Ribbesford Wood, a bye-way to Stourport.

7278. They went by a bye-way to Stourport; did they walk?—Yes, they walked.

7279. Did they go by railway afterwards?—I cannot say.

7280. Did anybody go with them to take charge of them?—Yes.

7281. Who?—Detective Warren.

7282. Mr. Justice *Blackburn*.] I suppose that bye-way you spoke of is some footpath, is it?—A public road on this side of the water.

7283. Is it the towing path?—No; they went by a road, a turnpike-road.

7284. Then why did you call it a bye-way?—There are two ways.

7285. Mr. *Fitzjames Stephen*.] It is the less public of the two?—Yes.

7286. Mr. Justice *Blackburn*.] There is an extremely pretty road I saw yesterday, from which the church is upon your right hand, is that the one you mean?—Yes.

7287. Mr. *Fitzjames Stephen*.] You were at the nomination?—Yes.

7288. There was a great deal of noise and a great deal of screaming of women among other things, was not there?—I believe there was.

7289. Did not a great number of those screaming women come to you to be paid for screaming?—No.

7290. Did they not send you in a bill for women screaming?—Certainly not.

7291. Mr. Justice *Blackburn*.] Not in those terms?—No.

7292. Mr. *Fitzjames Stephen*.] Did they not send in any bill in respect of women?—Not that I am aware of.

7293. To the "Wheatsheaf"?—No.

7294. To anybody. Do you know of any bill being sent in?—I do.

7295. To whom was the bill sent in?—To my father.

7296. In respect of women?—I believe the women sent it in.

7297. Do you know in respect of what services it was sent in. Was it for screaming, substantially?—I could not say.

7298. I ask your belief; what do you believe?—It might have been so.

7299. Do you not believe that it was?—I should think it is very probable it was.

7300. Have you any doubt about it?—I have a little doubt about it. I do not know exactly how they put it.

7301. Do you know that any bill was sent in for women screaming at the election?—I do not know it.

Mr. Justice *Blackburn* inquired the bearing of this evidence.

Mr.
H. Pardoe.

Mr.
H. Pardoe.
25 January
1869.

Mr. Fitzjames Stephen stated, that his object was to show the character of the election accounts.

7302. Mr. Fitzjames Stephen (to the Witness).] Do you recollect having a conversation with Mr. Watson on Monday, about a week or 10 days ago at the "Swan Inn" at Stourport, in reference to the election expenses?—I do.

7303. Mr. Baldwin was there, I think?—Yes.

7304. And several other people?—I believe so.

7305. Did you not say upon that occasion that you believed that your election expenses, that is Sir Richard Glass's, would be between 2,400 l. and 2,500 l.?—I said this: Mr. Watson said, "Have you sent in your account of the expenses of the election?" I said, "I do not know." He said "What were the expenses; what do you think?" I said, "I do not know. They may be 2,000 l. or 3,000 l. for what I can tell." That was the conversation that passed between me and Mr. Watson; and I believe I said at the same time, "They may be between 800 l. and 900 l." I could not tell what they were.

7306. Did he not mention to you, what Mr. Lloyd's expenses would be, about 600 l. or 700 l.?—I do not recollect that.

7307. Did he not mention what Mr. Lloyd's expenses would be; and did not he go on to ask you Sir Richard Glass's, as he said, to save himself the trouble of looking at the accounts; do you remember his saying that he wanted to save himself the trouble of looking at the accounts?—I believe he said it jokingly.

7308. Did you not say in answer to that, that you believed they would be between 2,400 l. and 2,500 l.?—No, I did not. I said they might be, for all I knew.

7309. And you named that sum?—I do not know that I said "between 2,400 l. and 2,500 l." I said, "between 2,000 l. and 3,000 l."

7310. Have you looked through the accounts that have been filed?—I have not.

7311. Your father said in evidence, on Saturday, that you were commissioned to inquire about the watchers?—I was.

7312. When they came down to your office?—Yes.

7313. Did you inquire of them?—I did.

7314. Can you tell us, did you take a list of all the persons who came?—I did.

7315. And claimed to be paid?—I did.

7316. Has that list been destroyed; the rough draft?—I believe it has, or lost.

7317. Have you a copy, a fair copy?—Yes.

7318. When did you make the fair copy?—The same day, I believe.

7319. Is that the copy?—Yes (*handing in a paper*).

7320. And does this contain the names of all the persons that came?—I believe it does.

7321. And of what they asked for?—No; not what they asked for.

7322. Then, of what you consider they ought to be paid, upon their statement?—Yes.

7323. You asked each man, I suppose, how long he had watched, and asked him the circumstances?—Yes.

7324. And then you put down the amounts against the names, as that which you considered was the proper charge?—Yes.

7325. I ask you generally (it speaks for itself), if there are voters amongst these?—Yes.

7326. And the voters were afterwards ex-

cluded from the list, and you made out the other lists?—Yes; I believe lists were made out.

7327. Mr. Burnish and you made out the lists which have been put in, as Jackson's warrant for paying the money?—Yes.

7328. Were there any names of voters upon that rough draft which do not appear in that copy?—I believe that that is *fac simile* of the rough draft.

7329. Can you swear positively that it is?—To the best of my belief it is.

7330. Are all those in red who are struck out, voters?—I believe they are.

Mr. Justice Blackburn inquired how many names on the fair copy of the list had a red ink mark against them.

Mr. Fitzjames Stephen stated that there were four struck out in red ink, and several others with red ink marks against them.

Re-examined by Mr. Giffard.

7331. Just one question about this gentleman, Mr. Watson; is he an attorney?—I believe he is.

7332. The attorney for the petitioner?—Yes.

7333. What aged gentleman is he?—Fifty.

7334. I mean, he is a gentleman of experience and standing?—Yes.

7335. And was this a casual conversation between you and him at a meeting, casually at a public house?—Yes; quite so.

7336. Mr. Fitzjames Stephen.] A question upon this list; why have you headed it "Boys," &c., what does it mean (*handing the list to the Witness*)?—A great many of them were boys; it was on some scale; the able-bodied men you gave more. If it was a boy, you gave him less.

7337. Were the boys merely to give information; what was your scale, pray?—When I saw the man and the number of days and nights he was watching, I—

7338. What did you take for a healthy grown-up man who watched all day; how much did you allow him?—Four shillings a day.

7339. And how much a night?—Four shillings.

7340. And how much for a boy?—Two shillings; sometimes 3 s.

7341. According to size?—Yes.

7342. A good many of them were voters, I suppose, were they not?—I cannot tell.

7343. What?—I do not know.

7344. Mr. Justice Blackburn.] In fixing the price for them, what were they supposed to do?—To prevent voters being taken away.

7345. In the first place, what reason was there to suppose any voters were going to be taken away; and, secondly, how were they to prevent it?—They were in the habit of stopping all flies and conveyances going about the neighbourhood, and seeing if voters were inside them.

7346. Was there any instance that you are aware of, in which a voter was carried off in a fly, and in which any of these watchers stopped it or prevented it?—I believe, one morning, there was a man named Charles Southam was attempted to be taken away by the other side, about two o'clock.

7347. One case of that sort, and to prevent that, 200 l. was paid for boys and people to walk

up and down the street?—I think that was on the nomination morning.

Mr. *Giffard* asked his Lordship to inquire how many were employed on the other side.

Mr. HERBERT GEORGE GOLDINGHAM, sworn; Examined by Mr. *Giffard*.

7348. WHAT are you?—Solicitor at Worcester.

7349. Were you applied to by Mr. Pardoe at any time to send over some persons from Worcester to Bewdley to make payments?—I was.

7350. Have you got the letter which he sent you?—I have not.

7351. What has become of it?—I handed it to the party, a man in my employment, who eventually came over to Bewdley, at his instruction.

7352. What is the man's name?—Russen.

7353. Is he here?—He is not.

7354. Where is he?—I have no idea.

7355. Have you endeavoured to find him?—I have.

7356. What is his christian name?—Joseph, I believe; I will not be certain.

7357. Did you give him any other instructions than those that were in the letter?—I gave Mr. Pardoe's letter, told him to go by a particular train to Bewdley, and that I would write to Mr. Pardoe to that effect, that he would be there met.

7358. Did you send two or one?—Mr. Pardoe's letter, to the best of my recollection, was to this effect, that he had some refractory voters, refractory people at Bewdley and he wanted a trusty person to pay them; he simply handed this letter to the man I allude to, and he afterwards said that if I had no objection he himself would go, but that as he was a stranger at Bewd-

ley, he should like to take a friend; I afterwards understood that he did take a friend, but who that was, I have no idea.

7359. Did you give him anything, or were you aware he was going there disguised in any way?—I had seen some accounts of the rows that had taken place in the Bewdley election and I told him he had better be prepared to get away in the event of another row taking place; and to show that I was perfectly justified in my view, a row did take place, and the man was very nearly lynched.

7360. Mr. *Fitzjames Stephen*.] You were not there?—No; that was his report to me upon his return.

7361. Mr. *Giffard*.] Did you give any instructions whether he was to be disguised or not?—I told him he had better adopt the means by which he would be prevented being known; and I may further say that he afterwards told me (in fact he showed me in his carpet bag) what he was going to take, which was a simple wig.

Cross-examined by Mr. *Fitzjames Stephen*.

7362. I will just ask you who was Mr. Russen?—He was a man employed by me during the City of Worcester election and the Eastern and Western division of the County, in the habit of paying all sorts of people.

[The Witness withdrew.

Mr. R. ACTON PARDOE, recalled; further Cross-examined by Mr. *Fitzjames Stephen*.

7363. YOUR son has told us in your absence, that 29 men came down from London and stayed here two days and went back on the night of the nomination day?—Yes.

7364. Who paid their expenses?—I did.

7365. How much did you pay them?—Ninety odd pounds.

7366. Where is that in your election expenses; in your return that you gave to the Returning Officer, show me any notice of it; did you take any receipt from them?—No.

7367. Did you pay each man so much a head?—I did not pay them.

7368. Who did, then?—I found the money,

7369. But who paid them?—That I do not know.

7370. Who did you give the money to?—I think to one of the men that came down.

7371. Do you know that man?—No.

7372. You gave 90*l.* to a man whom you did not know and took no receipt?—Yes.

7373. Show me where that item of 90*l.* appears under the head of the election expenses (*handing the accounts to the Witness*)?—It is not here.

7374. It is only fair to ask you why you did not put it there; it does not matter its being there amongst those papers in your hand, but

why did you not put it here in the accounts furnished to the returning officer?—Because I should think such payments are not usually put there.

Re-examined by Mr. *Giffard*.

7375. Just one question; had you applied to the Home Office for additional assistance from the police?—Yes.

7376. And I believe you received that letter from the Home Office (*handing a letter to the Witness*)?—Yes.

7377. Was it, then, after the receipt of that letter that these men were employed?—Yes.

7378. Was it for the purpose of protecting Sir Richard Glass's voters?—Yes; in consequence of the threats from the other side, and they not only threatened, but came here in great force, determined to do mischief.

7379. Where did they come from, do you know?—I heard that they came from Wednesbury.

7380. Mr. *Fitzjames Stephen*.] You have got a quantity of papers there in your hand, are they bills or vouchers connected with the election?—Some of them are.

7381. Show me those that are; show me any vouchers

Mr.
H. Pardoe.
—
25 January
1869.

Mr. H. G.
Goldingham.
—

Mr. R. A.
Pardoe.
—

Mr. R. A.
Pardoe.
25 January
1869.

vouchers or bills relating to the election that you have got in your hand, and I want to see your detailed statement?—I am in a situation to state that I pulled out a draft out of my pocket that was not cast nor put in order, and it was impounded by the Court, and I have made out another statement which I think I will explain—

7382. Just hand it to me (*the Witness did so*).

7383. About that roll of bills you had in your hands just now, show me any of them that relate to the election, bills or vouchers about the election?—Here are some of them (*producing some*).

7384. Mr. Gardner told us he received 50*l.* on account?—Yes.

7385. And you received 50*l.*; was that on account?—On account.

7386. You had not made out your own bill to Sir Richard Glass?—No.

7387. Are those other bills that you have got there, matters that have nothing to do with the election at all; I mean those that you had in your hand just now, because you have not shown us the bill from the "George," you spoke of; are those bills that you have received connected with the election?—Yes.

7388. Will you let us see them? (*The Witness handed them to Mr. Fitzjames Stephen.*)

7389. Have you disputed this "Wheatsheaf" bill; 123 *l.* 2 *s.* 6 *d.*?—I have only just had it.

Mr. Giffard.] I see "use of rooms" is 81 *l.* 12 *s.* of that.

7390. Mr. Justice Blackburn.] This account of 123 *l.* 2 *s.* 6 *d.*, as I understand, does not appear in the election expenses at all?—No; I have only just had the bill.

7391. When do you mean by "Just had it"?—Since I was here last.

7392. Mr. Fitzjames Stephen.] Now then, with regard to this John Taylor; who is that; a bill for refreshments, 35 *l.* 19 *s.*?—"Use of room 30 *l.*," I see.

7393. Who is the man?—John Taylor is the landlord of the "Black Boy" in Wribbenhall.

7394. Is not that one of the houses where these men who were brought down from London were kept?—Not that I know of.

7395. Then, what happened there with all these lunches, and brandy, and dinner, and refreshments, and those things; what took place at the "Black Boy"?—Why, Sir Richard Glass had his lunch there occasionally.

7396. Is that all; Sir Richard Glass cannot have drank nine shillings worth of rum, whisky, and gin, on the 3rd of November; what else happened at the "Black Boy"? Look here; I will give you some items. Here is one item, "Lodgings and refreshments, use of commercial room from July the 11th to November the 20th, 30 *l.*" Now what does that item refer to?—I cannot tell.

7397. Do you swear you do not know anything about it?—I have never looked at the bill.

7398. When did you receive it?—On Saturday evening.

7399. You received it after you had given your evidence?—Yes.

[The Witness withdrew.

The following is a copy of the letter from the Home Office, referred to by the Witness:

My dear Sir, 12 November 1868.

I must apologise for not having written to you before to say that Mr. Hardy is sorry it will

be out of his power to send any of the Metropolitan Police to assist in keeping the peace at Bewdley and Stourport during the election.

Since you called, several requests have been made from different quarters, and the same answer has been given in all cases.

Believe me, &c.

(signed) E. R. Perceval.

P.S.—I was unable to answer your telegram last night.

The following are copies of certain letters relating to the payment of monies on account by Sir Richard Glass, referred to in the course of the evidence.

Kidderminster,

26 August 1868.

Dear Sir Richard, I shall be obliged by a cheque for, say 300 *l.*, in respect of registration and other legitimate expenses and professional services.

Yours, &c.

(signed) William Alfred Crowther.

Sir Richard Glass.

My dear Sir, 28 August 1868.

I am favoured with yours of the 26th instant asking for a cheque for expenses of registration, &c.; I have the pleasure to inclose you a cheque for the sum you ask, but I must beg that no part be applied to other than lawful purposes and legitimate expenses; please acknowledge receipt. I need not remind you of the importance of the registration, and although attended with considerable expense it must be thoroughly watched, and I hope you are agreed with Mr. Pardoe as to your course of action.

I hope to be with you next week.

Yours, &c.

(signed) R. A. G.

W. A. Crowther, Esq.

Kidderminster,

7 November 1861.

Dear Sir Richard, I shall be glad to receive a cheque for 300 *l.* in respect of the strictly legal expenses of the election.

Yours, &c.

(signed) William Alfred Crowther.

Sir R. A. Glass.

Dear Sir, 9 November 1868.

I enclose draft for 300 *l.*, as requested by you in your favour of the 7th instant. Please acknowledge receipt.

Yours, &c.

(signed) R. A. G.

W. A. Crowther Esq.

Mr. Giffard was heard to sum up the case on behalf of the Respondent.

Mr. Fitzjames Stephen was heard in reply on behalf of the Petitioners.

Mr. Justice Blackburn asked Mr. Fitzjames Stephen whether he thought that he could strike off votes enough on a scrutiny to make it worth while to proceed with that part of the case?

Mr. Fitzjames Stephen replied that he would be better able to answer that question if his Lordship would indicate the general nature of his decision.

Mr. Justice Blackburn stated that he had no doubt that he must declare the election void.

Mr. Fitzjames Stephen stated that he was authorised by Mr. Lloyd to state that, inasmuch as the majority in this case had been very large and the difficulty of proof in each instance would be very great, and inasmuch as his (Mr. Lloyd's) object

object in claiming the seat was to obtain a full inquiry, he would not withdraw that claim.

Mr. Justice *Blackburn*.] There are one or two small matters that I must reserve till I have read the notes carefully, and to which I shall refer a little later. But as to the general question, and the general grounds on which my decision proceeds, I can state them at once without any delay.

With regard to the case as it affects Sir Richard Glass, I do not think that anything has been brought forward here that would justify me at all in saying that Sir Richard Glass was personally cognizant of, or individually a party to, illegal practices. I think that Sir Richard Glass wished to be returned, and wished to be returned purely, and that he intended that everything should be done properly. There is some evidence that would go against Sir Richard Glass on that point, but I do not think it is by any means enough to lead me to the contrary conclusion. But Sir Richard Glass, like every other candidate who employs persons for him (agents to use the general term), is of course answerable (although penalties would not attach to him for the act unless it was authorized by him), to the extent of losing his seat if any person employed in the election as an agent for him was guilty of a corrupt practice.

Now, as to that, it is a matter of general importance that it should be known what would constitute evidence of being an agent or being employed. And upon that I can only say in general that I think one could not lay down a precise rule. I think that every instance in which it is shown that, either with the knowledge of the Member or candidate himself, or to the knowledge of his agents who had employment from him, a person acts at all in furthering the election for him, in trying to get votes for him, is evidence tending to show that the person so acting was authorised to act as his agent. I do not think it is by any means essential that it should be shown that a person so employed, in order to be an agent for that purpose, is paid in the slightest degree, or is in the nature of being a paid person. But I think it is a question what is sufficient evidence upon that point. I should apprehend that where there is evidence given, as in this case, that when the candidate is going about canvassing, a gentleman goes previously and requests voters, in some such way as this, "Will you meet Sir Richard Glass in such and such a place?" and then when he comes to that place says, "Here is Sir Richard Glass come to ask for your vote," or says to the person, what would certainly be implied or understood, "Here is Sir Richard, for whom I wish you to vote," all that is evidence to show that that person was an agent. And I take it that the question for the Court sitting to try the case comes ultimately to be, whether, upon the aggregate of all these things taken together, of which each in itself is little, but is certainly some evidence, the person is shown to have been employed to such an extent as to make him an agent for whom the candidate would be responsible. That I apprehend will be the point upon which Judges will find the greatest difficulty, where there is some evidence, which, if there was a jury, you could not withdraw from it; cases in which everyone would agree that there was some evidence; the question is whether that evidence is sufficient or not. In each case the Judge must decide, treating himself as a jury or an election committee. I

take it that in each case the Judge must bring common sense to bear upon it, and satisfy himself whether it is sufficient or not. I do not think that such a question as that would turn upon minute particulars as to what particular words were used or what particular thing was done, but upon the common-sense broad view of it.

In the present case I feel no difficulty whatever about it; because, in the present case, it is clearly proved, and not a disputed fact, that Sir Richard Glass deposited a considerable sum, 11,000 *l.* altogether, in the hands of Mr. Crowther and Mr. Pardoe, directing them in his letters (and I see no reason to doubt directing them *bonâ fide*) that they should apply that money to honest and good purposes, but giving that money to them, and not exercising, either personally or by anyone else, any control over the manner in which that money was to be spent, and not, in fact, knowing how that money was spent. Upon that I can come to no other conclusion than this: that he did make these two persons (it applies principally to Mr. Pardoe, but it applies to Mr. Crowther also) his agents for the election to almost the fullest extent to which agency can be given; and I think that a person proved to be an agent to this extent does not merely himself stand as an agent to the candidate (in this instance Sir Richard Glass), but also that a person proved to be agent to this extent makes those agents whom he employs. The extent to which a person is an agent differs according to what he is shown to have done. I take it that an agent employed so extensively as is shown here does make the candidate responsible, not only for his own acts, but also for the acts of those whom he, the agent, did so employ, even though they are persons whom the candidate might not know or be brought in personal contact with.

The analogy which I put to Mr. Giffard in the course of the case I think is a strong one, but it would convey my meaning more to a lawyer than to the general public, the analogy of the liability of the sheriff for the undersheriff, where he is not merely responsible for the acts which he himself has done, but also for the acts of those whom the undersheriff employs, and not only responsible for the acts done by virtue of the mandate, but also for the acts done under colour of the mandate, matters which have been carried very far indeed in relation to the sheriff. I need not enter upon the extent to which that goes in law, but to a lawyer that would indicate at once to what extent the responsibility for an agent who was shown to be so extensively employed as those agents who had funds put into their hands for the purpose of the election does fix the candidate.

Then it comes to this question. Is it shown that there was any corrupt practice on the part of the agents thus employed, or on the part of those whom they employed for them? Now upon that the first question is the question of treating. The statute which now regulates treating, the 17 & 18 Vict., c. 102, s. 4, "The Corrupt Practices Act," makes it a distinct matter. "Every candidate at an election who shall corruptly by himself, or by or with any other person, or by any other ways or means on his behalf, at any time either before, during, or after any election, directly or indirectly give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, entertainment, or provision, to or for any person, in order to be

25 January
1869.

elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person to give or refrain from giving his vote," &c. Looking at those words, it is plain that those who prepared the Act have endeavoured to take in almost everything that could possibly be taken in, but they have very properly and wisely, I think, governed it all by the word "corruptly." And upon that word "corruptly," I think there can be no doubt at all that the true construction of the Act is that which was stated by Mr. Justice Willes in giving his opinion in the House of Lords in the case which has been referred to, *Cooper v. Slade*, that "corruptly" there does not mean wickedly, or immorally, or dishonestly, or anything of the sort, but with the object and intention of doing that which the Legislature plainly meant to forbid. In fact, giving meat or drink is treating when the person who gives it has an intention of treating, not otherwise; and in all cases where there is any evidence to show that meat or drink has been given, it is a question of fact for the Judge to try the matter whether he thinks that the intention is made out by the evidence, which, in every individual case, must stand upon its own grounds, and upon which I can only remark, as I did in the course of the inquiry, when speaking to Mr. Giffard; but I state it now deliberately, that although each individual case may be a mere feather's weight by itself, and so small that one would not act upon it, yet, if there is a large number of such cases, a large number of slight cases will together make a strong one; and consequently it would always be a very important inquiry what was the scale, the amount, and the extent to which it was done. To illustrate my meaning, I will take one of the small cases that were pointed out. I cannot doubt at all the fact that when Sir Richard Glass had been speaking for some time to a man (I believe Dark is his name), who I think was not a voter, one of the people in the company of Sir Richard Glass did give that man a shilling to drink Sir Richard Glass's health, and that was evidence tending to show treating. But if that stood alone, and if I were considering whether such a thing fell within the meaning of and proved "corrupt treating," I should not think so. I think that in considering what is corrupt treating, and what is not, we must look broadly to the common sense of the thing. There is an old legal maxim, "*Inter apices juris summa injuria*." To go by the strict letter of the law often would produce very grave wrong. I think that if we were to say that an election was void upon a single case of that sort we should be going to the "*apices juris*," and that the result would be "*summa injuria*." Therefore, the inquiry must be as to the extent and amount of such cases.

But the evidence here shows that a large number of public-houses, very nearly 20 (I think 19 or 20) were at many times during the election habitually open, and whoever went in there to get drink got drink. When we find that done, it would be a perfect mockery if one were to say that he doubted that that was done with a corrupt intention, with an intention that it might produce the mischief which the Legislature intended to forbid under the name of treating, and that it was consequently corrupt treating.

Then comes the question by whom was it done? Was it done by any agent for whom Sir Richard Glass is responsible? We had at first a great deal of circumstantial evidence about that;

but now it comes at last to this, that Burnish, Pardoe's clerk, who was very considerably employed during this election as Pardoe's clerk, did order all this drink and control the beer. That he gave it, and that he did so from a corrupt motive, I think there can be no question at all.

Another question which seems material is, whether or no Pardoe, his employer, was at all cognizant of or responsible for this. But as far as avoiding the election goes I have no hesitation whatever in coming to the conclusion that Pardoe himself being employed as he was in the election generally, and money put in his hands to distribute (I do not rely so much upon his being election agent to pay money alone, because it might be given to a person to pay against vouchers, who was in no way connected with the election at all,) as an agent of Sir Richard Glass, and that every person whom he employed in the election is also an agent of Sir Richard Glass. Then comes the question is there evidence here, which I can reasonably doubt, that Burnish was so employed for the purposes of the election? I find that he was Pardoe's clerk, and that during almost all this time he seems to have been busily engaged, chiefly about election matters, although he appears to have done some other things also. Among the few expenses paid by the election agent, there is a bill for some weeks, I think it was, for Burnish's residence, and board and lodging in the neighbourhood, showing that he was, during all that time, employed on election business. Taking all those circumstances together I consider that, even if Burnish had ordered all this drink and all this treating with his own hand, without authority from anybody, and paid for it out of his own pocket, that of itself would have been sufficient to avoid the election. I mention that because I think it is desirable that it should be known how far I go, and what the law is, upon the evidence. But I think, as a matter of fact, it is impossible to doubt that Burnish did not mean to pay it out of his own pocket, and did not mean to pay it out of the funds of what is called the Conservative Working Men's Association, and that he did mean to pledge, when he ordered these large quantities of drink, and that it was understood by those who were furnishing it that he was pledging the election funds; that he was pledging Messrs. Pardoe and the other people who paid the election money, and that this was intended to be paid out of the funds.

And here it becomes a material thing to see how the election expenses were returned. Mr. Pardoe was examined, and upon Mr. Pardoe's evidence it would seem that he himself, whether it was suggested by Mr. Stephen, was wilfully ignorant, or whether it was as Mr. Giffard rather explained it, as I gathered from something he said, that he had got somewhat superannuated, did not personally do much, but that he trusted everything to his clerks, including Burnish. Burnish is one of the persons who make out the list of the watchers to be paid. Burnish is the person who goes and attends all these meetings. Burnish is at the public-houses, and there is great force in Mr. Stephen's remark, that it is not credible that a man who has a salaried clerk would let that salaried clerk spend his time in public-houses and such places, and get remuneration for it unless he intended him to do so. I therefore can have no doubt in coming to the conclusion that Burnish was acting there as an agent for the purposes of the election of Sir Richard Glass, being

25 January
1869.

being employed by Mr. Pardoe for that purpose, and authorised by Mr. Pardoe for that purpose; and in consequence the corrupt treating which is clearly proved to have been done by Burnish, is clearly proved to have been done by Mr. Pardoe also. That seems to me important, because, when I report, as I shall in my certificate, to the Speaker, that Pardoe and Burnish are guilty of corrupt treating, that will render it impossible for them to act in any election matter, or to be employed in any election matter, for seven years to come; a thing which, of course, I should not do unless I were quite satisfied of the fact.

Another matter I must remark upon, and which weighs with me very much, is the mode in which the election expenses have been returned. At present I have not to do with the very stringent provisions of the Act of Parliament, or to say how far they may subject either Sir Richard Glass or Mr. Pardoe or Mr. Crowther to the penalties of that Act, nor how far they will practically prevent those people who have given credit for election expenses, and have not sent in their bills within a month, from being paid and recovering the money afterwards; all that will be for others to consider amongst themselves. I can only say, that if the practical result be that the keepers of the different public-houses, who have supplied the beer for the purpose, lose their payment, and find that instead of making money out of it they are losers of so much, I shall not regret it. But whether that is so or not I have nothing at present to do with that.

But I have to do with this; and I think it is a very important matter of evidence to see whether it would show anything corrupt, personally, on the part of Sir Richard Glass, or of his election agents. Now it is quite true that Sir Richard Glass, as Mr. Stephen pointed out, in paying money to Mr. Crowther, did, in the most direct terms, act contrary to the Election Auditors Act. He did then pay it to a person who was not declared to be the election agent. Then comes the question, does that show that Sir Richard Glass, when he paid that money into the hands of his agents, had a personal knowledge or intention that it should be bestowed in corrupt practices. Now upon that I cannot in the slightest degree doubt, myself, that the fact that a fund was placed in the hands of an agent by a candidate, if it is shown that that agent expended it in corrupt practices afterwards, is evidence tending to show that the candidate paying into those hands the money which was spent in corrupt practices, was himself intending that it should be spent in corrupt practices. I do not suppose that there has ever been in a corrupt election of any sort a candidate who was foolish enough, when he paid a large sum of money into the hands of a person to say, "Bestow this in corrupt practices," he would hand over a large sum of money to a person and say (I think I have seen this in novels) "On no account let there be any bribery, but bestow all this five or six thousand pounds on the poor." I should not doubt, if such a case came before me, in which the five or six thousand went in bribery, that the candidate did intend it to be done.

Then it seems to be a question to what extent it was shown, if the money was bestowed for corrupt practices, that the candidate who gave the money was aware of it; and in that case, also, the extent to which it was shown that there were corrupt practices would be very material. I think if it were shown that there had been

here, as in many other boroughs in former times, and it may be now, extensive bribery, a large number of people bribed, corrupt clubs paid money, and so forth, it would be a very serious question whether the candidate, in putting money into the hands of his agents, was not personally cognizant of it. But it does not come to any such question here. Corrupt treating is shown, but I do not think it is shown that Sir Richard Glass expected it. Therefore I do not think that the evidence is enough to show that Sir Richard Glass, I will not say did not exactly mean the money to go in corrupt practices, but was willing that it should go in corrupt practices, when he paid it into his agents' hands. I do not think there is sufficient evidence in the case to make me find anything against Sir Richard Glass personally. I rather think that the very severe penalties that are attached to a candidate for being a party to a corrupt practice do not extend to all corrupt practices, but only to bribery. In the present case, however, there is nothing to show that any of this amount was bestowed upon bribery in such a way as to subject Sir Richard Glass to those penalties, even if personal knowledge were brought home to him; but I do not think that personal knowledge was brought home to him.

When you come to the other question, whether the money was properly bestowed, and whether Pardoe properly bestowed it, it is impossible to avoid coming to the conclusion, when you look at the mode in which these election expenses were returned, carefully avoiding returning very considerable items that had been actually paid before, sums which you cannot possibly suppose were omitted by accident, such as 120 £. and 90 £., and then the not complying with the Act of Parliament, which I should have thought any person must have distinctly understood who looked at it, by returning what were the expenses incurred, whether paid or not (for instance, the bill at the "George" of 120 £. could not have been left out by accident; I can hardly imagine that any person should have thought that that 120 £., though not actually paid, should not have been returned), that all that was done simply for the purpose of baffling the Act of Parliament, and rendering it a nullity, and not letting it be known what the money was spent for. All that is evidence leading to the conclusion that Mr. Pardoe knew perfectly well that the money was bestowed for purposes which would not bear the light of day. Though he may have frequently committed folly in the matter, the evidence leads to the conclusion that he knew that the money was so bestowed.

As I said before, I must, therefore, find and return distinctly that there was corrupt treating by Sir Richard Glass's agents, and that that corrupt treating extensively prevailed in the borough. I think I should say, in fairness there, that though there is some evidence that there were some on Mr. Lloyd's side who got drink, there is no evidence to show that there was any extensive giving of drink on his side, though there may have been some. There being this practice of treating to this extent in the borough, I think I must say, moreover, that Mr. Pardoe and Mr. Burnish were personally guilty of it. There was quite sufficient treating to upset the election. That is enough on that point.

Then comes another question on which I must make some observations, and that is the employment of watchers. Now, I think, that the fair

25 January
1869.

result of what I gather from the evidence leads me to this conclusion, that it has been a long established practice in Bewdley to pay men for what is called watching, but in reality is doing nothing. It has been an old practice which, I suppose, people consider a sort of perquisite of elections, and, therefore, it has been continued. This has been done, as far as the evidence goes, more extensively on one side than on the other; but it appears to have been done on both sides, and it is a very mischievous system. It comes within all the mischief of treating; in the first place, it indirectly influences the men whether voters or not: if they are not voters it indirectly influences all their friends and other voters. In the second place, when it is given to voters, it would in all human probability lead to an expenditure by them in public-houses and elsewhere, which would indirectly influence voters. In that way it falls within all the mischief of treating, but no statute has yet been passed rendering it of the same effect as treating. Whether the Legislature will think proper to interfere with it hereafter it is not for me to say. It is quite true that where a voter has been employed, no matter whether he has been paid or not, where he has been retained with the expectation that he is to be paid, whether paid or not, his vote would be void. That several people here on this occasion acted as watchers, in the expectation and hope that they would afterwards be paid, I think, is pretty clearly made out. A warning having been given that if they were paid, their votes would be altogether void, that those people were not, in fact, paid is also perfectly plain. If it came to a scrutiny it would be material of course to see how many were actually employed; but on the present inquiry, the scrutiny having been abandoned, the question only is, whether or no the payment made to people for this work of watching, which I must say was not work at all, was with a view of procuring their votes so as to give them employment under this form, in which case it would be bribery. As to that, the evidence has not succeeded in bringing home any particular cases to that extent which would justify me in finding it; I think, therefore, upon this occasion I can only mention that this corrupt practice, for I think it is a corrupt practice, has prevailed. After the warning now given, I should think in the next contested election, whenever it takes place, people will be very cautious to avoid doing this, because otherwise the remark upon its being really bribery would be very strong. I must, then, report to the Speaker that there has prevailed such a corrupt practice to this extent.

The only other thing for me to consider is this, I think, as I have already pointed out, that the practice of watching has an indirect tendency towards bribery and this practice does exist very extensively. But, upon the evidence before me, I think that, although it may have occurred in isolated cases, there is no ground for supposing that direct general bribery has prevailed to any extent in the borough. That being so, I shall mention that also, which is an important element to be considered.

Then there comes the question as to specific instances of bribery. The Act of Parliament requires me to mention every instance in which it has been proved before me that any particular person has been guilty of bribery or any corrupt practices. I must mention, therefore, what persons have been proved to me to have been guilty in those respects. There is nothing in this part of the case in regard to specific persons that would turn the general result at all. The effect could only be to avoid the election, and that is done already. I do not think that any evidence has been given to prove a person to have been bribed by an agent for whom Sir Richard Glass would be directly responsible. I do not think therefore, that I need at present inquire into that branch of the case. Three or four persons have been mentioned who are alleged to have been bribed, and some evidence has been given upon those cases. I reserve for my consideration, before I make my certificate, which of them I shall mention as having been bribed. My decision will be known, of course, when I send in my certificate; but at present I do not enter into these individual cases or give the results beforehand.

The only thing remaining is the question as to the costs of the election petition. Now, as Mr. Lloyd has succeeded in showing that the election has been avoided by the acts of persons for whom Sir Richard Glass is responsible, the *prima facie* general rule, that the successful party has his costs, prevails. If it appeared that there was anything particularly vexatious or annoying I would deduct that from the costs; but at present I do not see that there is any head which I can strike off. I will hear any remarks which may be made upon it; but at present I must say that it seems to me that Sir Richard Glass must bear the costs.

Nothing further occurs to me as requiring to be said now. If there is anything which I have omitted, or which I am supposed to have omitted, I should be glad if either side would mention it.

Mr. Giffard submitted that the costs of preparation for the scrutiny ought not to fall upon the Respondent.

Mr. Justice Blackburn stated that inasmuch as the words of the Act in relation to the costs were, "And shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or Judge may determine;" and inasmuch as it might be fairly presumed that if the Petitioners had proceeded with the scrutiny, they would not have been successful in it, his decision was that the costs of the Petitioners should be borne by the Respondent, except those incurred solely and exclusively for the scrutiny.

Mr. Fitzjames Stephen reminded his Lordship that Bewdley and Stourport were independent places, and asked him to Report that treating had not extensively prevailed at Stourport.

Mr. Justice Blackburn stated that he could not enter into that distinction, but must confine his Report to the borough as a whole.



BEWDLEY ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

BEWDLEY ELECTION PETITION.

(1869.)

*Ordered, by The House of Commons, to be Printed,
17 February 1869.*

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9.

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OF

MINUTES OF THE EVIDENCE

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THE TRIAL

OF THE

BRADFORD ELECTION PETITIONS.

(1869.)

*Ordered, by The House of Commons, to be Printed,
19 February 1869.*

REPORT	-	-	-	-	-	-	-	p. iii
MINUTES OF EVIDENCE	-	-	-	-	-	-	-	p. i

R E P O R T S.

PETITION AGAINST HENRY WILLIAM RIPLEY.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 25th day of January 1869, and several days following, I duly held a court at Bradford, in the county of York, for the trial of, and did try, the Election Petition for the borough of Bradford aforesaid, between John Haley and others, petitioners, and Henry William Ripley, respondent.

And in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said Henry William Ripley, being the Member whose election and return were complained of in the said petition, was not duly elected, and that his election was void, because he by his agents was guilty of treating at the said election, contrary to the statutes in such case made and provided; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election; in further pursuance of the said Act, I report as follows:—

That upon the trial of the said petition, no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any of the candidates at the said election.

And in pursuance of the said Act, I further report that the persons who were proved at the trial to have been guilty of corrupt practices, are Edward Kitcheman, Jeremiah Ryan, William Bowen, Michael Lamb, Michael Coyne, William Luby, Patrick Dwyer, John Young, James Corkran, John Hoare, Richard Duffy, John Bray, James Rowney, James Tidswell, Robert Conroy, William Hinnigan, James Burke, Bryan O'Neile, Michael Manton, John Walsh, Patrick Murphy, William Handy, Samuel Abel, and Joseph Gibson.

And in further pursuance of the said Act, I report that, upon the evidence before me, there was no reason to believe that corrupt practices extensively prevailed at the election to which the said petition relates, except as stated in my special report.

And in further pursuance of the said Act, I make this special report, as to matters which arose in the course of the said trial, an account of which ought, in my judgment, to be submitted to the House of Commons.

It was proved that the said Henry William Ripley had opened an unlimited credit at his bankers in favour of his agent, who availed himself of it to the extent of upwards of 7,200 *l.*, and who sent in to the returning officer a mere abstract of totals of outlay, unaccompanied by vouchers; and that this was knowingly done, contrary to the Statute 26 & 27 Vict. c. 29, s. 4. That in one ward of the said borough, inhabited principally by Irishmen of the working class, large numbers were influenced by corrupt practices, committed by the

agents of the said Henry William Ripley, and that upwards of 100 public-houses and beerhouses were opened as committee-rooms, or pretended committee-rooms, in the interest of the said Henry William Ripley, where drink without payment was supplied to voters, which was afterwards paid for by the agents of the said Henry William Ripley.

SAMUEL MARTIN.

PETITION AGAINST WILLIAM EDWARD FORSTER.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

To the Right Honourable the Speaker of the House of Commons.

I, Sir Samuel Martin, Knight, one of the Barons of the Court of Exchequer, and one of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the above Act, certify that upon the 29th day of January 1869, and several days following, I duly held a court at Bradford, in the county of York, for the trial of, and did try, the Election Petition for the borough of Bradford aforesaid, between Samuel Storey and Thomas Garnett, petitioners, and William Edward Forster, respondent.

And in further pursuance of the said Act, I certify that at the conclusion of the said trial I determined that the said William Edward Forster, the Member whose election and return were complained of in the said petition, was duly elected and returned; and I do hereby certify in writing such my determination to you.

And whereas charges were made in the said petition of corrupt practices having been committed at the said election; I report in further pursuance of the said Act, as follows:—

That upon the trial of the said petition, no corrupt practice was proved to have been committed by, or with the knowledge or consent of, any of the candidates at the said election.

And I further, in pursuance of the said Act, report that upon the trial of this petition, there was not evidence before me that corrupt practices prevailed at the said election.

SAMUEL MARTIN.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Tuesday, 26th January 1869.

	Page
Mr. William Bowen - - -	1
Mr. Benjamin Terry - - -	6
Mr. Michael Lamb - - -	10
Michael Coyne - - -	16. 19
Mr. Edward Kitcheman - - -	19
William Looby - - -	23
Patrick Dwyer - - -	26
John Young - - -	31
James Corcoran - - -	33
John Hoare - - -	34
Mr. Michael Moran - - -	39
Edward West, Esq. - - -	42

Wednesday, 27th January 1869.

Richard Duffy - - -	43
Samuel Ainsworth - - -	44
John Bray - - -	46
William Stewart - - -	48
James Rowney - - -	50
Patrick Connor - - -	52
John Mullins - - -	54
Edward Malone - - -	55
Richard Sherlock - - -	57
James Mahon - - -	58
Joseph Haigh - - -	59
James Tidswell - - -	60
Robert Conroy - - -	61
Robert Halton - - -	63
James Marshall - - -	64
James Brannan - - -	66
Richard Conroy - - -	66
George Limback - - -	68
John Brophy - - -	68
Jane Rankin - - -	70
James Nelson Kennedy - - -	71
Thomas Nocton - - -	72
Michael Conlan - - -	73
William Hinnigan - - -	74
James Burke - - -	77
Patrick Ryan - - -	79
Brien O'Neill - - -	81
Michael Manton - - -	82
Bartholomew Durkin - - -	82

Thursday, 28th January 1869.

John Walsh - - -	86
John Kilfoyle - - -	87
Joseph Petty - - -	87
Patrick Murphy - - -	88
Patrick Coleman - - -	89
William Pool - - -	90
William Handy - - -	90
Henry William Ripley, Esq. - - -	92
Mr. David Little - - -	95
Mr. Joseph Holt - - -	102
Mr. Edward Kitcheman - - -	104
Samuel Abel - - -	112

Friday, 29th January 1869.

Mr. Samuel Abel - - -	116
Mrs. Mary Jane Abel - - -	116
Mr. Louis Ingham - - -	117
Jeremiah Ryan - - -	119
Mr. Mark Dawson - - -	124
Joseph Gibson - - -	124
Mrs. Mary Ann Gibson - - -	126
Mr. George Mossman - - -	127
Mr. Frank Willie - - -	127
Mr. Frederick William Granhan - - -	127
Thomas Poole - - -	129

Mrs. Elizabeth Hill - - -	Page 139
Michael Freeman - - -	143

Saturday, 30th January 1869.

William Fox - - -	147
John Hollen - - -	147
Thomas Duffy - - -	148
Mr. Richard Smith - - -	150
Daniel Holland - - -	150
Peter Binns - - -	151
Jeremiah Donoghue - - -	151
Martin Purcell - - -	152
Caroline Rushworth - - -	153
George Grayson - - -	153
Thomas Craven - - -	154
Michael Mayes - - -	154
Mrs. Merinda Milner - - -	155
Martha Schofield - - -	156
Mrs. Hannah McLaren - - -	157
Timothy Allen - - -	158
Levi Alderson - - -	159
Sarah Halliday - - -	160
Joseph Crabtree - - -	161
David Mitchell - - -	162
Elizabeth Amiel - - -	162
Edward Noon - - -	163
Robert Halton - - -	164
Robert Peel - - -	165
John Mitchell - - -	166
Christopher Walbank - - -	168
John Rayner - - -	169
Richard Standing - - -	169
Esther Brannan - - -	170
George Inman - - -	171
John Cockcroft - - -	172
Mr. Henry Webster Blackburn - - -	173
Ann Long - - -	174
Benjamin Clough - - -	176
Mr. George Poole - - -	176

Monday, 1st February 1869.

William Henry Wright - - -	178
Matthew Duckworth - - -	179
Mrs. Harriet Hesse - - -	179
Henry Cooke - - -	179
Susannah Haste - - -	180
Joshua Spencer - - -	181
Abraham Spencer - - -	182
John Milthorpe - - -	182
Dorothy Dinley - - -	183
Mr. John Henry Wade - - -	184
Mr. A. B. Kemp - - -	191
Edward West, Esq. - - -	193
Right Honourable William Edward Forster, M.P. - - -	193. 198
Mr. Robert Kell - - -	196
Alfred Illingworth - - -	197
Mr. Henry Illingworth - - -	197
Mr. George Beaumont - - -	197
Mr. Joseph Pollard - - -	199
Mr. William Henry Wood - - -	199
Mr. Joseph Boothroyd - - -	200
Mr. George Cole - - -	201
Mr. John Cooke - - -	201
Mr. Calvin Robert Shaw - - -	201
George Robinson - - -	202
Mr. William Lobley - - -	204
Levi Alderson - - -	204
Mr. Lockwood Stevenson - - -	205

MINUTES OF EVIDENCE

TAKEN before the Honourable Mr. Baron *Martin*, on the TRIAL of the ELECTION
PETITIONS for the BOROUGH of BRADFORD, at the Court House, Bradford.

Tuesday, 26th January 1869.

JOHN HALEY	-	-							
CHARLES HASTINGS	-	-	-	-	-	-	-	-	Petitioners.
ANGUS HOLDEN	-	-							
TITUS SALT, Junior	-	-							

AND

HENRY WILLIAM RIPLEY	-	-	-	-	-	-	-	-	Respondent.
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Mr. *Giffard*, Q.C., Mr. *Metcalfe*, and Mr. *Mellor* appeared as Counsel for the Petitioners. Mr. *Charles Mills* and Mr. *James Hargreaves* appeared as Agents. 26 January 1869.

Mr. *Overend*, Q.C., Mr. *Price*, Q.C., and Mr. *Littler*, Q.C., appeared as Counsel for the Respondent. Mr. *David Little* appeared as Agent.

Mr. *Giffard* was heard to open the allegations of the Petition.

Mr. WILLIAM BOWEN, sworn; Examined by Mr. *Metcalfe*.

1. I THINK you stand upon the Register of Voters as "Bone"?—Yes.
2. No. 267?—Yes.
3. You live at 5, Paperhall-court, Great Horton?—Yes.
4. Are you a tailor?—Yes.
5. About five weeks before the election took place, did you come in contact with Jeremiah Ryan?—Yes.
6. What is he?—He was an agent of Mr. Ripley's.
7. Where did he live?—He is a labouring man.
8. Where did he live?—He lives in Loom-street, Bradford.
9. Did he take you some five weeks before the election to Mr. Kitcheman?—Yes.
10. Is that Edward Kitcheman?—Yes.
11. What is he?—He was an agent for Mr. Ripley.
12. What was he?—He was a stuff merchant, I believe.
13. Does he live in Bradford also?—Yes.
14. Did Ryan introduce you to Mr. Kitcheman?—He did.
15. Was Mr. Kitcheman taking a part in the election?—Yes.
- 28.

16. For whom?—Mr. Ripley.
17. Do you know whether he was acting as chairman or vice-chairman, or had you seen him so acting?—Yes.
18. Was he acting in any capacity as chairman or vice-chairman that you saw?—Kitcheman's mission was through the East Ward.
19. Mr. *Overend*.] What have you seen him do?—He was not particularly confined to one house.
20. What have you seen him do?—I have seen him address people several times on behalf of Mr. Ripley.
21. Mr. *Metcalfe*.] And you say his "mission" was through the East Ward?—Yes.
22. What do you mean by his "mission"?—He was canvassing for Mr. Ripley; he was working for his return as Member for the borough.
23. And addressing people on his behalf?—Yes.
24. You say that you were introduced to Kitcheman; what took place then?—Mr. Ryan introduced me to Kitcheman as one of a neutralizing committee, that is, to keep the Irish people from voting for Mr. Miall, or to vote for Mr. Ripley at the close of the canvass for his return.

Mr. *W. Bowen*.

Mr.
W. Bowen.
—
26 January
1869.

25. First of all, did they neutralize them?—Yes.

26. You were introduced to him as a member of the neutralizing committee?—Yes.

27. What did he say?—He said that he thought that Mr. Ripley would be as good, as far as his sympathy went towards my county, and that he thought that if the Irish people would only support him, he would make a superior Member in preference to Mr. Miall.

28. Did Kitcheman tell you what you were to do, or say anything to you?—He told me when the show of hands would be in any meeting I was to support —

29. Mr. Baron *Martin*.] Whose friend were you in the election?—Previously to being intimidated I would support Mr. Miall.

30. Mr. *Metcalfe*.] At the show of hands, what were you to do?—To hold up my hand for Mr. Ripley.

31. Where were those meetings to take place?—They were principally through the East Ward.

32. Did he ask you to do anything about the Irish?—He told me to counsel with them, and to keep them from voting for Mr. Miall, and at the end to vote for Mr. Ripley.

33. The second night after that introduction did you again see Mr. Kitcheman?—I saw him on the same evening of that day.

34. Where did you first see him?—At the “White Swan,” in Bank-street.

35. Was there any committee-room sitting there?—Not then.

36. And you saw Kitcheman the same night, where was that?—At the “Manor House,” in Darley-street.

37. Was anyone with you?—Yes; Mr. Lamb, Mr. Kelly, Mr. Hooley, and Jeremiah Ryan.

38. Were they all Irishmen?—Yes.

39. Did Kitcheman on that occasion give you anything?—Yes.

40. What did he give you?—He gave us a sovereign each.

41. To you and those men whom you have described?—Yes.

42. Did he say what it was for?—It was to keep the Irish from voting, and when it came to the week of the election, to ask them to vote for Mr. Ripley.

43. Some short time after that, did you again see Kitcheman?—Yes.

44. At the “Junction” Hotel?—Yes.

45. In the Leeds-road?—Yes.

46. Was anyone with you then?—Yes.

47. Who was with you?—There was Mr. Michael Lamb, Mr. Michael Coyne, Mr. William Kelly, and Mr. Timothy Hooley.

48. Then you met Kitcheman; was anyone with him?—No.

49. Was Ryan there?—Yes, he was with us.

50. What took place then?—Mr. Kitcheman said something with reference to keeping the Irish from voting, and after then he gave us 30 s. each.

51. Did he give you 30 s. first, or was anything said?—We got a sovereign first, and then 10 s., an advance after that.

52. Why did he give you 10 s. further?—To clear expenses.

53. Did anyone say anything about that?—Yes, Mr. Michael Coyne.

54. Mr. Baron *Martin*.] You do not mean the sovereign you had before?—This was a second pay, my Lord.

55. Mr. *Metcalfe*.] On this occasion you got first a sovereign, and then somebody said something, and you got 10 s. more each?—The same night.

56. Was there any paper produced on that occasion?—Yes.

57. Who produced it?—Mr. Kitcheman.

58. What was done with that paper; what did he say about it?—He wanted us to sign our hand as a committee, or to sign our names.

59. Was anything said, or any alteration suggested?—Yes.

60. Who suggested that alteration?—Mr. Michael Coyne.

61. Was the alteration made?—Yes.

62. By whom?—By Mr. Michael Coyne.

63. After that alteration had been made, did you sign it?—Yes.

64. All of you?

Mr. *Overend*.] Produce the paper.

65. Mr. *Metcalfe*.] Who took that paper?—Ryan took it.

66. Was that in the presence of Kitcheman?—Yes, and in the presence of them all.

67. Did Ryan go away with you or Kitcheman?—We all went out together.

68. Did you ever sign that paper, since I mean?—No.

69. How soon after that did you again see Kitcheman?—The week following.

70. Did you again, or when was the next time that you received any money after that 30 s.?—I believe it was on that day week.

71. How much did you receive then?—30 s. more.

72. Who was with you at that time?—There was the same party, William Kelly, Timothy Hooley, and Michael Lamb.

73. Was Coyne there on that occasion?—Not the second time.

74. You received 30 s. each, from whom?—From Mr. Kitcheman.

75. Did he say what it was for?—It was for the same purpose.

76. To neutralize the Irish?—Yes.

77. Did you afterwards receive any further money?—Yes; I received another 30 s.

78. Where was that?—In Longcroft-place, I believe.

79. Is there any hotel or public-house there?—Ryan was there; we went to see Ryan, and he was in a beerhouse.

80. Do you remember the name of that beerhouse?—I do not know exactly the name.

81. In what street was it?—In Longcroft-place.

82. How much did you then receive?—Thirty shillings more.

83. From whom did you receive it?—From Jeremiah Ryan.

84. Was Kitcheman present then?—Not then.

85. What was that 30 s. for?—For the same purpose as before.

86. Was it 30 s. each?—Yes.

87. Was anybody with you on that occasion?—Yes; Kelly and Hooley.

88. Again, after that, did you receive any money?—Yes.

89. When next; how long after?—The week following.

90. From whom did you receive it?—From Mr. Kitcheman.

91. How

Mr.
W. Bowen.
26 January
1869.

91. How much did you receive?—I received 6 l., a 5 l. note, and a sovereign in gold.
92. Did he tell you what you were to do with it?—Yes; I had to pay the other men with it.
93. The same men?—Yes.
94. Mr. *Overend*.] At the rate of 30 s., I suppose?—Yes.
95. Mr. *Metcalf*.] That would be 30 s. each again?—Yes.
96. For the same purpose?—Yes.
97. After that, did you receive any money?—Yes.
98. Do you remember where; the last was the 6 l. from Kitcheman?—It was at the “Eastbrook” Hotel, in Peckover-walk.
99. Was there a person of the name of Moses Quigley with Kitcheman at that time?—Yes.
100. Was Jeremiah Ryan there also?—Yes.
101. After that did you receive anything further?—Yes.
102. When you received it, was anything said about a speech being made at the “Oak” Inn?—Yes, there was.
103. Who was to make the speech?—Mr. Ripley was at the meeting there that night, and Mr. Lamb was to go and say something at the meeting.
104. Who said that?—Kitcheman.
105. Who was to go and make the speech?—Mr. Lamb was to go and say something.
106. Did you go that night to the “Oak” Inn?—Yes.
107. Was Mr. Ripley there?—Yes.
108. Did he make a speech?—Yes; he was speaking when we went in.
109. Did Lamb also make a speech?—Yes.
110. Who took you into the meeting?—I and Lamb, and Kelly and Hooley went in together.
111. Was Kitcheman there?—He came in after we went in.
112. Who was in the chair?—I believe it was Alderman Simeon.
113. After that, did you receive any money?—Yes.
114. Where was that?—I believe it was in Bank-street.
115. Do you remember the name; did you go to the “Mason’s Arms”?—Yes; it was at the “Mason’s Arms.”
116. What did you receive there?—I received a 5 l. note.
117. From whom?—From Mr. Ryan.
118. What were you to do with that?—I was to give 50 s. to Lamb, and keep the other myself.
119. That night you got 2 l. 10 s. each?—Yes.
120. Was there any other note paid to anybody on that night?—Yes; another 5 l. note to Mr. Kelly and Mr. Hooley.
121. Mr. *Overend*.] Did you see it paid?—No; Mr. Ryan sent out for me, and I went in, and he gave me a 5 l. note, and Mr. Hooley went in and he got the first 5 l. note.
122. Mr. *Metcalf*.] When Hooley came out, did you see him with a 5 l. note?—Yes.
123. You went in and got a 5 l. note?—Yes.
124. After that, did you again receive any?—Yes.
125. Was that near the “Church Steps” public-house, in Bolton-road?—Yes.
126. What did you receive there?—I got no money there, but I got, I believe, the night following.
127. What was said; did you see Kitcheman there?—Yes.

128. What did he say?—He axed us how things were getting on, and I said, of course with the rest, they were “As usual,” I suppose.
129. Did he say anything about your going to see Michael Mahony?—Yes; he asked us what passed.
130. Was Mahony one of Mr. Miall’s friends?—Yes.
131. He asked you what you had been to see him for?—Yes.
132. Did you tell him?—I went in with Lamb, and heard all the talk that went on between Mahony.
133. We do not want to know that; did you tell Kitcheman why you went to Mahony?—Yes.
134. What took place?—He said we had to be “True to our colours till the election was over, and he would see us all right.”
135. Did he say anything about wages?—He said he would give us more next week.
136. Did he say how much more?—Fifty shillings more.
137. You had 2 l. 10 s. the week before?—Yes.
138. Was it to be raised to 5 l. or 50 s.?—Our wages were to be doubled.
139. As to the amount of 5 l. which you received, was that the week before the election?—Yes.
140. Mr. *Overend*.] That is 5 l. during the election week?—During the week before the election.
141. Mr. *Metcalf*.] In that same week did Kelly, Lamb, and you see Kitcheman at the “Junction” Inn?—Yes.
142. Did Kitcheman give you anything there?—Yes, he gave us a sovereign each.
143. Was that as part of the wages, or extra?—It was a part of what he called the “rise.”
144. On the Saturday before the election, did Ryan give you anything at the “Fleece” Inn?—He gave me two 5 l. notes.
145. On the Saturday before the election, at the “Fleece” Inn, Mr. Ryan gave you two 5 l. notes?—Yes.
146. Did he tell you what to do with them?—Yes; I was to pay myself and Kelly, and Lamb, and two more men.
147. Were you to do anything else?—All the money he gave me I paid; he said that he had business on his hands, and he could not attend to all.
148. Was anything said about Patrick Rowney?—Yes; I had to give him a sovereign.
149. What for?—To vote for Mr. Ripley, I suppose.
150. Did he tell you what was said; was he a voter?—Yes.
151. Did he tell you why you were to give it?—I know that Mr. Rowney was a voter.
152. He gave it you to give to Rowney?—Yes; and I did as I was told.
153. Was Thomas Darmody mentioned?—Yes.
154. What were you to do with him?—I was to give him 2 l.
155. Was Patrick Kilmartin mentioned?—Yes.
156. Mr. Baron *Martin*.] Was Darmody a voter?—I think not, my Lord.
157. What was he to have the 2 l. for?—For his work, I suppose; his canvass.
158. Mr. *Metcalf*.] Was he canvassing?—I believe he was.
159. Were you also to pay Patrick Ryan?—Yes; I gave him a sovereign.

- Mr. 160. Was he a voter?—I do not know.
 W. Bowen. 161. Did you pay these men?—Yes.
 — 162. You paid them the sums you have men-
 26 January tioned?—Yes, I did.
 1869. 163. On the Monday after the election what
 took place; did Lamb and you go to Kitcheman's
 house?—Yes, we did.
 164. Was that in consequence of some message
 that you received?—Yes.
 165. What did you find; did you find Kitcheman
 there?—Yes.
 166. Did he give you anything?—Yes; he
 paid us 4 l. each.
 167. Did he pay it himself; did he give you
 the 4 l.?—He paid me and Lamb 4 l. each, or he
 gave us a note to get 4 l. each at the "Old Hall."
 168. Did he write that note in your presence?
 —Yes.
 169. Did you go to the place that he directed
 you to go to?—We were not to go there till
 seven o'clock that evening.
 170. Did you go to the place?—Yes.

Mr. Overend.] I suppose you have traced
 the note.

171. Mr. Metcalfe.] Wait a moment, if you
 please. (To the Witness.) As I understand, you
 went to the place that Kitcheman directed you to
 go to?—Yes.
 172. And you took the note with you?—Yes.
 173. To whom did you go?—I do not know.
 174. Whom did you find there when you got
 there?—I found Mr. Terry, and he was paying
 money.
 175. Where was that?—At the "Old Hall"
 Hotel.
 176. Besides Mr. Terry, was anyone else there
 that you knew?—Yes; Mr. Mark Dawson and
 Mr. Whitehouse.
 177. Is Mr. Mark Dawson an old gentleman?
 —Yes.
 178. Was anybody else there that you saw?
 —There were several people there, but I did not
 know them.
 179. What was Mr. Terry doing there?—He
 was there for the purpose of paying the agents.
 180. Was he actually paying them; did you
 see people paid?—Yes, he paid me and Lamb.
 181. Did you present the note there?—I sent
 it in by Shuttleworth.
 182. After sending it in by Shuttleworth, were
 you admitted?—No, not for an hour and a half
 afterwards.
 183. At the end of that time, when you were
 admitted, did you then receive the money that
 you had asked Kitcheman for?—It was certified
 on the note.
 184. Did you then receive the money you had
 asked Kitcheman for?—Yes.
 185. From whom did you receive it?—From
 Mr. Terry.
 186. Did you see that note again?—No.
 187. Who was Shuttleworth?—I believe he
 is a detective belonging to this borough.
 188. Was he standing at the door?—Yes; and
 several more policemen were there.
 189. Were there other people going in and
 out of that room?—Yes; there was people inside,
 and I got in before any of them.
 190. Were there a number of people going
 in and out at that time?—Yes.
 191. Was anything said at the time about
 paying you 4 l. each?—Yes; Mr. Whitehouse
 did not want to give us so much; he said that it

was too much, and he wanted to give us only
 3 l. 10 s.

192. Was that at the time when you were in
 before Mr. Terry?—Yes.
 193. But you stuck out for the other and you
 got it?—Yes.

Cross-examined by Mr. Overend.

194. You are a tailor, I believe?—Yes.
 195. And a voter?—Yes.
 196. Did you vote at the election?—No.
 197. Do you know whether Lamb, who has
 been mentioned, is a voter?—I cannot exactly
 say.
 198. Is Kelly a voter?—Yes.
 199. Did he vote at the last election?—I think
 not.
 200. Were you not expressly told by Ryan
 and Kitcheman that if you were employed for the
 party, that is for Mr. Ripley's party, as a canva-
 sser, you were not to vote?—I was told by the
 lawyer not to vote, and by Kitcheman too.
 201. Was the same thing said to the other
 people, that is to say, to Kelly, Hooley, Ryan
 and Coyne, that they were not to vote?—Coyne
 is not a voter.
 202. But to those persons who were voters, did
 not you not hear it said that they were not to
 vote if they were employed?—Yes; they said
 that we were not to vote, because they said that
 we should put ourselves in the power of the
 law.
 203. And to all those persons who were
 voters, and to whom you gave money, was not
 the same thing said?—I gave no money.
 204. But it was through your hand that it
 came, and to every person to whom you paid
 money by the direction of Jeremiah Ryan or by
 the direction of Kitcheman; to all those persons
 who were voters, was it not said that they were
 not to vote?—I cannot account for anybody but
 those who were in the committee with me and
 Ryan.
 205. How many persons did you pay?—I paid
 Kilmartin, Rowney, and Lamb, and Kelly.
 206. Was Kelly a voter?—Yes, he was.
 207. Did you hear him told not to vote?
 —Yes.
 208. Whom besides did you pay?—I paid
 Kilmartin.
 209. Was he a voter?—I do not know.
 210. Did you hear him told not to vote?—Not
 in my presence; then I paid Ryan and Rowney.
 211. Did you hear whether they were told not
 to vote?—I did not hear that, but they had
 nothing to do with me.
 212. Are they voters?—I believe that Rowney
 is a voter, but I cannot say for the rest.
 213. When about was it that you were first
 spoken to by Ryan or Kitcheman?—It was about
 five weeks before the election; I cannot speak
 exactly as to the date.
 214. What had you been doing up to those five
 weeks before the election?—I attended meetings
 in the evening.
 215. On whose behalf did you attend those
 meetings?—I was supposed to attend them on
 behalf of Mr. Ripley.
 216. Did you go to those meetings professing
 to be a supporter of Mr. Ripley's?—I went in,
 but I never supported one or the other.
 217. Did you profess to be a supporter of Mr.
 Ripley's?—

Mr.
W. Bowen.
26 January
1869.

Ripley's?—I was supposed to be a supporter of his.

218. You gave it out, did you not, that you were a supporter of Mr. Ripley's?—I did not say anything about it.

219. You went there, did you not, as one of his supporters?—Kitcheman supposed that I was one of his supporters.

220. But you said that you were a supporter of Mr. Ripley's?—That is the reason why he gave me the money.

221. You told him that you were a supporter of Mr. Ripley's, did you not?—No; I did not tell him; he axed me.

222. When he asked you whether you were or were not in favour of Mr. Ripley, you said, "yes," did you not?—No; I never held my hand up.

223. Then how came Kitcheman to think that it was so?—It was by the recommendation of Ryan; they thought that I had some influence over my countrymen.

224. Did you tell Ryan that you were in favour of Mr. Ripley?—No; Ryan knew my principles before that.

225. And he knew the uprightness of your character?—Yes.

226. Mr. Baron *Martin*.] Were you selling your principles?—As far as the election was considered I was.

227. Mr. *Overend*.] But before you got anything, did you not tell Ryan that you were in favour of Mr. Ripley?—Ryan knew that I was in favour of Mr. Myall.

228. But before you got anything, did you not tell Ryan that you were in favour of Mr. Ripley?—I did not.

229. Where is Ryan?—I do not know.

230. He is not here is he?—I do not know whether he is here or not.

231. How came Ryan first to speak to you; what did he say?—He asked me if I would go on a neutralising committee.

232. Was it supposed at that time that the Irish were against Mr. Ripley?—The majority of the Irish in the borough were.

233. You were an Irishman, and Jeremiah Ryan wanted you to go and canvass the people and bring them over and make them think favourably of Mr. Ripley?—He did not ask me to go and ask them to do that.

234. But it was to persuade them to abstain from voting?—Yes.

235. Did he say that he should require you to give all your time to it?—No.

236. Did you give up all your time to it?—No.

237. Did you go about?—My time was principally devoted to it by night; going from one meeting to another.

238. Were you out almost every night for Mr. Ripley?—I was supposed to be so.

239. You said that you were working for him, did you not?—I never told anyone.

240. But you were supposed to be working for him?—Yes.

241. Did you keep a canvass book?—No.

242. What did you do?—I went with Mr. Lamb and Mr. Kelly.

243. Where did you go to?—We went to the different meetings.

244. Did you see the Irish people?—Yes; I saw them wherever they were.

245. And you tried to persuade them, did you not?

not, to vote for Mr. Ripley?—No; I never tried to persuade anybody; I never asked a man in the borough to vote for Mr. Ripley; neither Irishmen nor Englishmen either.

246. But you were supposed to be doing that?—That was what I was getting my money for.

247. Although you were getting your money for going, as it was supposed, to get votes, you never asked a single man for his vote?—No.

248. The first payment that they gave you was 1*l.*?—Yes.

249. Then it was 1*l.* 10*s.*?—Yes.

250. Then it was 50*s.*, was it not?—No; I got three sums of 30*s.*

251. You received 1*l.*, and three sums of 30*s.*, and one sum of 50*s.*?—*£.* 5 and then 4*l.*

252. That was for other people, was it not?—No, it was myself; I received 16*l.* altogether.

253. And the payment to you was for the purpose of being useful to Mr. Ripley, in order that you should go about and canvas those voters?—Yes.

254. And for no other purpose?—No; Kitcheman told me not to vote a week before the election.

255. Now, about the 5*l.*, where did you get that?—It was a week before the election; I did not get it altogether.

256. Were you to do more work in that week than you had done before?—No.

257. How came you to have a rise of from 1*l.* to 30*s.*?—Because Kitcheman promised it to us.

258. Did you insist upon having it?—No.

259. Did you ask for it?—Not personally, I did not.

260. How do you mean; what do you mean by "personally"?—I did not ask for it for myself.

261. What did you ask for?—The rest of the men of the committee asked for it, and if I got the money, I was not going to refuse.

262. Who were the men of the committee?—Lamb and Coyne, and Kelly, and me.

263. They pressed for an increase of pay, did they?—Yes; Lamb and they said the nearer it was to the election the more money we asked for, the more we should get.

264. I suppose you made an arrangement among yourselves that one was to ask for all the rest?—Not particularly, we did not.

265. However, that was the plan you adopted; that one went in and asked for the remainder?—We saw that there was money flying, and we thought that we should have our share; I did not.

266. You got the other men to go in for you?—They got it, and so I did.

267. And you got them to go in for you?—Yes, it was understood.

268. It was understood that you were all to have some?—Yes.

269. At first it was 1*l.*, then it got up to 30*s.*, and nearer to the election you insisted upon having 50*s.*?—Yes.

270. They paid you then?—Yes.

271. How was it that you were to get 5*l.*?—I do not know; it was to make us work more energetically among the Irish people.

272. You told them, did you not, that you had a great deal of influence over the Irish people?—No; I did not.

273. What did you say; did you say that you could be useful?—Ryan, I believe, did all that part of the work; he introduced me to Kitcheman,

- Mr. man, and he said we were the men who had influence among the Irish people in the town.
- W. Bowen. 274. And with that view you were to canvass them?—I was not asked to canvass them.
- 26 January 1869. 275. But you were to influence them, I suppose?—Yes.
276. You did not go and talk about it?—I never spoke at all.
277. Not to any one?—No.
278. Then you took the money, and pretended to be doing your best, and you did nothing?—Nothing that I am aware of.
279. Except the money?—No.
280. Do you know that hand-writing (*handing a paper to the witness*)?—Yes.
281. Whose writing is it?—The two latter names are mine; I cannot say for the others; I signed this; this is my own; I signed this on behalf of Lamb.
282. By whose authority did you sign Lamb's name?—By Lamb's authority.
283. Then I suppose he cannot write?—I suppose not.
284. Is it true that Kitcheman never gave you any money to pay voters not to vote, or to neutralize them?—That note has been signed after the election, I believe.
285. I did not ask you that; but you signed it of your own free-will, did you not?—Yes; I signed it to get what money was coming to me; I was employed under contract.

Re-examined by Mr. Giffard.

286. When was it that you saw that document, which has been shown to you before?—I believe it was the week after the election.

287. In whose possession did you see it then?—Mr. Kitcheman brought it into his own parlour; I believe he made it out there, and he got me to sign it, and Lamb.
288. Is the body of that paper in Kitcheman's hand-writing?—I did not see it; he did not let me see it; I did not see it; but I think I could nearly tell Kitcheman's hand-writing.
289. Did you leave it with Kitcheman?—Yes.
290. Were you ever asked for any return of what has been called your canvass?—No.
291. Were you provided with any canvass-book?—No.
292. Mr. Overend.] I wish to ask this question; have you been paid anything?—Not for the evidence.
293. Have you been promised anything?—No.
294. Have you not received anything for coming here?—Not a farthing.
295. And not even a promise?—No.
296. Not by the attorney nor by anybody on behalf of the petitioners?—I have not received a farthing, either directly or indirectly.
297. Nor the promise of a farthing?—No.
298. Mr. Giffard.] You say that you were supposed to go and neutralize your countrymen; was there any person to whom you made any written report or any verbal one of what you had been doing?—Not that I am aware of.
299. You have stated that you did nothing in the way of neutralizing or of canvassing for votes, how then did you spend the money?—The money that I received I spent most part of it in knocking about from public-house to public-house.

[The Witness withdrew.]

Mr. BENJAMIN TERRY, sworn; Examined by Mr. Giffard.

- Mr. 300. WHAT are you?—I am an attorney.
- B. Terry. 301. Were you, at any time during last year, retained in any capacity for Mr. Ripley?—I was retained by Mr. Little, Mr. Ripley's legal agent, on the 5th of November last.
302. What were you retained to do?—To attend to the election in the East Ward.
303. From that time down to the present time, have you made any payments in respect of what you were employed to do?—I made payments after the election.
304. At any time, was my question, after the retainer?—Yes.
305. To what amount?—I have not added them up; I have my clerk in attendance with me.
306. Mr. Baron Martin.] Tell us what the first payment was?—Two hundred and some pounds, my lord.
307. Mr. Giffard.] Have you received the money?—Yes.
308. From whom?—My clerks have got that; I believe part from Mr. Little, and part from Mr. Holt, a clerk in Mr. Little's office at the central committee.
309. Have you an account of the sums you have disbursed?—This is an account written out by my clerk in my presence at the places where I paid.
310. Just hand it to me (*the same was handed to the Learned Counsel*); have you the vouchers in respect of which those payments were made?—I have not the vouchers; I believe they were sent up to Mr. Little.
311. Mr. Little is here; you had better produce

- them at once; you are aware, I suppose, that the vouchers ought to have been returned to the receiving officer?—All were returned, or ready to be returned at any time; I told my clerk to hand everything over to Mr. Little that he asked for.
312. You are not responsible, but they were handed over to Mr. Little?—Yes.
313. What means did you take to ascertain that the persons who put forward those claims were entitled to the money?—There were gentlemen from the different district committees who took the trouble to attend at Eastbrook House, where I sat, and I got the best information I could from those parties.
314. What were those gentlemen's names?—Alderman Mark Dawson was there one or two nights, and Mr. Whitehouse was there one or two nights, and several gentlemen that I know, who have been taking an active part.
315. Did Mr. Michael Moran come?—I saw Mr. Michael Moran; I think so; he was a canvasser; he came one time; I saw him.
316. Did he give you a list?—I believe there would be one list of his.
317. Was Kitcheman one of the gentlemen who were there?—I saw Kitcheman there several times; when I attended to make payments he was there.
318. Was he one of those persons giving you information, and upon whose information you acted?—Several times he was; he did not attend every night.
319. Was he vice chairman of the East Ward committee?

committee?—No, I do not know that he was, but he took an active part there.

320. You had the management of the East Ward, as I understand; was not he the vice chairman of the East Ward committee?—I have a list here, and I will refresh my memory upon that point.

321. By all means; is that a list of all the committees?—This is a list of the committees, all of which had been formed before I began, with the exception of one, two, or three; I do not see his name there, and I did not look upon him as the vice chairman.

322. Does a vice chairman look differently from another man?—I do not find his name in the list.

323. Is there any list later than this?—I think that is the last.

324. Are you sure of that; just look at it again; this was the list before you began, as I understand; just remember, was not there a list subsequently to that, that would comprise all the houses in that ward; the "British Oak," for instance, of which Michael Moran was chairman; you will not find that there?—There was a committee at the "British Oak," I remember, but I forget whether a list was printed.

325. You will not find it there; perhaps you will remember that there was another list besides that afterwards?—Will you be good enough to name it.

326. That is what I am asking you for?—I know that there were two printed.

327. Looking at that, and finding that the "British Oak" is not in it, do not you believe that that is an earlier list?—A list was printed, and I believed this to be the list.

328. That is the last one?—No; one of the first lists.

329. Have you got a later one?—I have got two lists.

330. Have you got the one in which the "British Oak" appears?—No; I see that a committee was formed after the last list was printed.

331. Did you keep any accounts?—I kept none whatever till after the election.

332. I will begin at the weekly payments; did you make any payment until after the election?—I am not aware that I paid a penny to anybody except my own clerks, whom I had to pay at the committee rooms.

333. Did you devise any system by which the expense in your ward should be checked; I mean was it ascertained what it was when you had to pay it?—None whatever, except asking the gentlemen who had been committed with a different committee to attend and see the parties who applied for payment, and assist me in determining what should be paid.

334. Did you contrive no system to ascertain, while the expense was going on, whether, for instance, a publican charged for more days than his house had been used for, or any other expense?—I did not consider that I had anything to do with that; that was left entirely to the gentlemen who formed the committee.

335. Then, upon their instructions afterwards, you paid?—Yes.

336. Do you remember receiving a note from Kitcheman, directing you to pay two persons whom he had employed?—I believe Mr. Kitcheman sent several notes.

337. Have you got them; if so, just produce them?—I suppose Mr. Little has them.

338. He will hand them to you, I dare say?—

Mr. Little.] I have not anything of the sort.

Witness.] I offered to show all that I had; I have a memorandum, "Please pay so-and-so so much."

339. Is that signed by Kitcheman?—There were several notes of that sort.

340. Let us have them during the proceedings; is that Kitcheman's handwriting (*handing a letter to the Witness*)?—I believe that to be Kitcheman's handwriting; I dare say I have several.

341. Did you pay 9*l.*, in pursuance of that direction?—Whatever I paid will be in that list; I did not always pay what appeared on those notes.

342. Look at that receipt; you produced that as one voucher?—If you find the name in that list, I paid that; I paid all the names at Eastbrook House, except perhaps a couple of pounds to several clerks who—

343. These two are signed by Mr. William Bowen, and the other by Mr. Michael Lamb?—I believe I did; I believe you will find them in the list.

344. In pursuance of directions from Kitcheman?—Yes; or some of the gentlemen of the committee; I believe those would be paid by direction of Kitcheman.

345. Did you inquire whether any of those different persons were voters?—I had a clerk, or two persons who sat with voting lists before them, and everybody was asked particularly as to whether he was a voter, and you will find that one or two names are entered in that list which I first handed to you; I very shortly ascertained that they were voters, and had got paid in mistake, but the money was handed back, and the names crossed out, I think, in two instances.

346. But that was after the election?—Yes.

347. Just look at that one (*handing a paper to the Witness*); Mr. Patrick Darcy, in the East Ward?—A man of the name of Darcy did attend, and I paid him some money.

248. Has he not a vote in the East Ward?—I do not know; I cannot remember; I have been there for the purpose of looking at the list.

349. Who were the people who attended there for the purpose?—Two of my own clerks, Mr. William John Ingham and, I think, Mr. William Gilyard attended there one or two nights, and a person of the name of John Bennett.

350. Did Mr. James Tidswell also attend from the "Bricklayers' Arms"?—I remember a man of that name being there.

351. Of course there were public-house bills in the East Ward which you had to discharge?—Yes, there were public-house bills sent in, but I had made no arrangement whatever with the innkeepers; I forwarded all those bills to Mr. Little that came in to me.

352. Those you did not pay?—I did not pay them, not one; one man sent in a small bill for two small casks of beer which the clerks at the committee rooms had on the day of the election; it is 1*l.* 12*s.*, I believe.

353. The bills from the public-houses you forwarded to Mr. Little?—Yes.

354. So that this payment is not included in the gross sum of 200*l.* and odd?—Not there.

355. Is it anywhere else?—Not in any account.

356. What is the general character of the payments which you made there for canvassers?—Some for canvassers, and some for messengers, clerks,

Mr.
B. Terry.

26 January
1869.

Mr.
B. Terry.
26 January
1869.

clerks, and porters, and people of that description.

357. Are they distinguished in your accounts, which is a canvasser, and which is a messenger, or shall I only find the name?—I believe you will only find the name. The canvassers were paid about 6 s. a day; there were many boys; many of them had 5 s. a day, and some had 7 s. 6 d.

358. Who decided what they were to be paid?—It was generally left to me, and sometimes some of the gentlemen of the committee would say whether they should have more or less.

359. Was the arrangement for the payment of those canvassers and messengers one which was made before their employment or after the election?—I do not know of any arrangements being made before the election. I had nothing whatever to do about the payments till after the election, when at the request of Mr. Little, I attended at the place to make payments.

360. Had you anything to do with the employment of the canvassers?—I did not employ a single canvasser myself.

361. Who did employ them?—I believe that most of them had been employed before the 5th November.

362. Who employed them?—They were generally employed by the parties who attended at the respective committees.

363. The gentlemen who attended at the respective committees employed the canvassers?—Yes.

364. What was your function during the period that you were employed from the 5th of November till after the election?—The canvass books had been made out before I began on the 5th of November. I believe they were put into different forms, and I had them put into a different form by some of the clerks at the committee room, and after that I attended at the committee room from time to time in the evening and took a report as to how the canvass stood in different parts of the ward.

365. Was that what you were supposed to be doing in the interval?—Yes.

366. Did you send in your own account?—Yes.

367. What does it amount to?—For myself, clerks, and a professional man whom I had to employ in a part of the town, I think it is 103 l.

368. That is not comprehended in the 200 l., as those are only the disbursements?—Yes; in connection with the East Ward.

369. Where did you get the money for the disbursements?—From Mr. Little or Mr. Little's clerk.

370. Did you send for it as you wanted it, or did you have it in a gross sum?—It was arranged by some of the parties that the men who had been employed should meet at Eastbrook House on a certain night, and I got first 120 l., and then after that my clerk, I think, got two several sums of 100 l. each.

371. Who was it in your ward who selected the committee room?—That I really cannot tell. I did not.

372. Nor do you know who did, I suppose?—I do not.

373. Did bills come in from all of them to you?—I could not say whether they came all to me, but I believe most of them.

374. And you forwarded them on, I suppose, to Mr. Little?—Yes; I told my clerk to put

them in a bag, I went through the bills for all the public-houses in the East Ward.

375. We had better have them.

Mr. Overend.] Very well.

376. Mr. Giffard.] Just be good enough to hand them to the witness. (*Some papers were handed to the Witness.*)—I believe these are the papers.

377. You mentioned a gentleman of the name of Moran?—Yes.

378. Did he apply to you for payment in December?—In November or December.

379. I believe he applied for a large sum in the first instance?—Yes.

380. In the first instance, did you refuse to pay it?—He asked a guinea per day. I had paid persons who had been employed as I understood he had been employed, at 6 s. a day, and I did not, of my own responsibility, like to pay a guinea per day.

381. You refused to pay him in the first place?—Yes, and I am not aware that he has been paid yet.

382. Have you since agreed to pay him?—I have not.

383. Are you aware that an agreement has been since made to pay him?—Yes, I am aware that there has.

384. Did you hear that it was made within the last few days?—No; I have a letter from Mr. Frederick Jones, the Registrar for the Huddersfield County Court about it, and I replied that I would mention the matter to Mr. Little, but I am not aware that it has been paid.

385. Have you written to him or any one on his behalf since then?—If he had written a letter to me, probably I might have acknowledged it. I wrote in reply to Mr. Jones.

386. Is that your letter to Mr. Jones (*handing a letter to the Witness*)?—Yes.

Cross-examined by Mr. Overend.

387. When did your agency cease?—I have been in communication with Mr. Little ever since. That is the letter which I sent in reply (*handing the same to the Learned Counsel*).

388. Mr. Giffard.] Just look at your letter; you requested him to keep quiet for the present; what was that for?—I thought that it might serve him better, and that I might get him more than 6 s. a day.

389. But why was he to keep quiet?—I did not want him to conceal anything, but not to press for payment just then. I had not had an opportunity of seeing Mr. Little just then, and I said that I would mention it to Mr. Little.

390. Had you from time to time communications with Mr. Ripley on the subject of payments?—I am not aware that I have spoken to Mr. Ripley on the subject of payments.

391. Just look to your letter?—I have never spoken to Mr. Ripley about it, or any payment.

392. Are you quite sure about that?—Yes.

393. Have you had any conversation with Moran during the last few days?—No.

394. Have you seen him?—Yes, in Court; but I have not seen him to speak to him in the last few days.

395. You have not written to him in the last few days?—Certainly not.

396. You can probably inform me as to that circular which was sent out with reference to the election

election (*handing the circular to the Witness*)?—One was printed, I know.

397. Is that the one; identify that if you can?—Yes.

398. Do you see that there is an allowance made for canvassers; just read it down to the bottom?—I recollect all about it.

399. Was there one like that in all the wards?—I do not know for the other wards.

400. You observe that the canvassers are to be instructed in their duties, and the word "duties" is in italics. On the polling day, what were to be the duties of the canvassers?—To get up the voters for them to poll early.

401. Who was to instruct them?—The chairmen and the secretaries for the respective districts.

402. Who was it that framed that circular?—There was one suggested from another ward, and I framed this for the East Ward.

403. And you put the word "duties" in italics?—They did that for me.

404. Was that distributed to the persons employed, and comparatively treated as a confidential document?—No, it was open in the committee-room.

405. Was it published; was it not stuck on the wall?—It was not put on the wall; one or two were sent to each committee-room, I believe.

406. Were there captains who were employed to superintend the canvassers?—Yes.

407. Who were the captains in the East Ward?—That I cannot tell you.

408. I suppose that some account of them was kept?—Yes, at the different committee-rooms.

409. I want to know where, and when?—I had none, and therefore I cannot tell you.

410. Who had the appointment of them?—The chairmen of committees.

411. Do not you know who was the captain in your own ward?—I do not know.

412. Do you think that Jeremiah Ryan was one?—I do not know him, I do not know that I ever saw him.

413. Am I to understand that you cannot tell me who was captain of the ward?—There were a great many captains in the different districts.

Mr. *Overend*.] I should like now to have the letter which has been referred to read.

Mr. Baron *Martin*.] Very well.

(*Letter from Benjamin Terry to Mr. Jones was read.*)

414. That was in answer to an application that was made by the attorney, was it not?—Moran had troubled me several times.

415. As I understand, you went down to manage the election?—I went to "Eastbrook House," in the East Ward, the central committee-room.

416. Is that where there are a great many Irish?—Yes, there are in Wapping, which is a part of it.

417. Were there persons employed to go among the Irish people?—Many persons had been employed before I had anything to do with the election, and most of them were quite strangers to me; I had never seen them before.

418. Were they Irishmen?—Some were Irish, and some were English.

419. They were employed, were they not, to go about among them and get their votes, if they

could?—They had been employed by others, but of the duties I know nothing.

420. Do you know who they were, or can you give me their names?—I only know them from the list; there was one or two of them that I might know. I recollect when Darcey was named, that came, but whether he was employed or not, I do not know.

421. Who besides; you do not know anyone else who paid them, do you?—I had money given to me by Mr. Little, and according to what I thought they should have, I paid them, just as it was represented to me by a person who had seen what they had done.

422. On the occasion of paying, that was so, but did you employ persons as canvassers who were voters?—Not any.

423. No, but you paid them?—I believe you will find that there are two names struck out there; before there got out of the room, I ascertained that they were voters, and the money was returned. I did not know that they were voters when I paid them the money.

424. Mr. Baron *Martin*.] As I understand you, you made no illegal payments?—Not so far as I know.

425. Mr. *Overend*.] Had you anything to do with the payment of 1 l. or of 50 s.?—No, except what may appear there as having been paid after the election; who the parties were I do not know.

426. For what purpose were the 2 l. paid?—I should suppose for canvassing.

427. In this list what were they for, there is a sum of 5 l. 10 s. to "Corry"?—Tidswell and Corry had the management of a certain committee-room, and I should think that that would be divisible amongst a number of canvassers.

428. Then there is a sum of 3 l. 10 s. to William Wilkinson; what was that for?—Probably, but I really do not remember; people were there who told me what they had done, and as they told me what they had done, I paid the money and took a receipt, or my clerk did.

429. Have you on any occasion paid money except for actual services rendered by persons as canvassers?—Certainly not, or clerks, or messengers, or something of that sort. I took every precaution to ascertain what the parties had done, and many people were present. There were many whom I refused to pay at first, and then the parties would go away and bring a committee-room clerk from the place where it was held, and if he said that the person had rendered service, I heard what he had to say, and then paid him to the best of my judgment.

430. Did you pay the first man who has been called to-day?—I do not recollect to have seen him before to-day in the box. If I had got his name, I should pay him, I have no doubt.

431. Do you know the average amount that you paid for canvassers per day?—It was 6 s. a day, but some were paid a great deal less.

432. The average sum was 6 s. a day?—Yes, that was considered the price for the canvassers, 6 s. a day.

433. How long did this last?—There were some employed before I was there; I do not know how long.

434. How long were you employed?—I was employed from the 5th November until after the election.

435. For only a fortnight?—No.

436. Were you at any of the public-houses; we

Mr.
B. Terry.

26 January
1869.

- Mr. B. Terry. have heard that there was a good deal of drinking going on?—I called in at some of them.
- 26 January 1869. 437. What was your experience of them, what did you see?—I stayed there a very short time.
438. What did you see while you were there?—At some places they were having something to drink.
439. And at others, nothing at all?—Yes, nothing at all.
440. Now, about these bills, just let me see the bills of the innkeepers?—

Mr. Overend.] If my learned friend will be good enough to take some one case, I shall be glad.

Mr. Giffard.] I shall give you one as an example. I will take the first one: "Refreshments received each day, item by item, from the committee-rooms; messengers and clerks formed on the 6th November 1868, for the return of Mr. Ripley."

Mr. Baron Martin.] Where does that come from?

Mr. Giffard.] That is from the "Harp of Erin," and the important matter appears to be this. "6 November, 13 gallons of the best ale, at 2 s. per gallon, ordered by Jeremiah Ryan. 8th November, 27 gallons, at 2 s. a gallon, and bread, cheese, and tobacco, ordered by Jeremiah Ryan. Then, Sunday, 8th November, 28 gallons, at 2 s. per gallon, and bread, cheese, and tobacco, ordered by Jeremiah Ryan and J. Lyons."

Mr. Baron Martin.] Just put in one of them.

Mr. Giffard.] The bill states that the refreshments were unlimited.

Mr. Overend.] Just let me see that.

Mr. Giffard.] The total is 48 l. 13 s. 7 d.; and then there is another item. "The above is a correct account of the refreshments given at the "Harp of Erin," committee-room, 72, Bolton-road; ordered by Mr. Kitcheman

and Mr. Jeremiah Ryan, and others, on account of Mr. Ripley."

Mr. Overend.] Is that the only one?

Mr. Giffard.] No; there are many of them but I give you that as a specimen.

Mr. Baron Martin.] I understand Mr. Giffard to say, that that is one; but he believes that there are several others of the same character in the bundle.

Mr. Giffard.] Just so.

441. Mr. Overend (to the Witness).] Are you aware that Timothy Lyons is the son-in-law of the landlord?—I do not know that.

442. Are you aware that 10 l. has been received in full discharge of the whole amount?—I have heard that 10 l., but I do not know it of my own knowledge.

443. You do not know, perhaps, that this sum of 48 l. is a larger amount than would cover what he had actually got from his brewers during the whole year?—I know that that was objected to; I know that it was said, what beer he could have had from his brewers at that time; and I believe that since then the brewers' account has been examined.

444. You know nothing about whether these things were ordered by this man Kitcheman?—No; I do not know by whom they were ordered at all.

445. You know nothing about it?—No.

446. This is simply a claim?—Yes; that was the claim.

Re-examined by Mr. Giffard.

447. A letter has been put in and read, and in that letter, I observe that you use the phrase, "the party," who employed Moran; whom do you refer to?—It was Kitcheman, I believe; I applied to him about him, and asked him.

[The Witness withdrew.]

Mr. MICHAEL LAMB, sworn; Examined by Mr. Mellor.

Mr. M. Lamb. 448. Do you live at No. 11, Hopwood-street, Bradford?—Yes.

449. I believe you are not a voter?—No.

450. Some time before the election, do you remember being at the "Hope and Anchor" public-house, in Bank-street?—Yes.

451. Did you see Mr. Kitcheman there?—Yes, I did.

452. Who was there besides Kitcheman?—Jeremiah Ryan.

453. What did Kitcheman say to you?—He introduced me to Mr. Kitcheman there, and Mr. Kitcheman said to me, "I understand, Mr. Lamb, that you are a man who has great influence among your countrymen;" and he talked considerably about the qualities of both candidates, Mr. Miall and Mr. Ripley: he said that Mr. Miall had left the church, and so he reasoned on, and talked that way; and that Mr. Ripley was the better candidate. I said that I was not aware that I had a great deal of political influence among my countrymen.

454. What did he want you to do?—He wanted me to go round to neutralise the votes.

455. Mr. Baron Martin.] Do you mean to get

them not to vote at all?—Yes; that was the understanding then.

456. Mr. Mellor.] Did he give you anything on that occasion?—Yes; he said that he was aware that it was rather expensive, as I would have to slip out at a leisure hour at night, to mix up with my countrymen, and that it would be rather expensive; he then gave me a sovereign to defray those expenses.

457. After this, when did you next see Mr. Kitcheman?—I next saw him at the "Junction Inn."

458. Who asked you to go to that inn, or were you asked to go?—Yes, Jeremiah Ryan asked me to go.

459. Was Mr. Kitcheman there; He was.

460. Who else was there?—There was Jeremiah Ryan, William Kelly, Timothy Hooley, and William Bowen, Michael Coyne, and me.

461. Did he give you anything on that occasion?—Yes, he gave us four a sovereign each.

462. After you had received this sovereign, did you go anywhere?—Before I left the "Junction Inn," Timothy Hooley put in a claim for an advance of wages, and was supported by Michael Coyne,

Mr.
M. Lamb.
26 January
1869.

Coyne, and consequently, I received another 10 s. in gold, before I left the "Junction Inn" that night.

463. Did anyone else receive it?—Yes, four of us exactly alike.

464. You received 10 s. more?—Yes.

465. After that, did you go to the school-room at Broomfield's?—Yes, the night after, I did.

466. What was that for?—Mr. Kitcheman asked me to go to attend a meeting; Mr. Ripley was to speak there that night, and I was to ask him some questions.

467. Did you go?—Yes, I did.

468. Did you see Mr. Ripley there?—Yes.

469. Did you make a speech on that occasion?—Not there; I asked him some questions.

470. The next night, did you see Jeremiah Ryan again?—Yes, I saw him very often that week.

471. Did he give you anything that week?—No, it was just a week's pay, from week to week.

472. Did you see anything more?—Not that week.

473. The next week did you receive anything?—Yes.

474. Where was that?—At the "Junction Inn."

475. What did you receive?—I received 30 s.

476. Who paid you that?—I am speaking now of that week, the second week; we did not receive our second payment at the "Junction Inn."

477. Who paid you this money?—Benjamin Ryan paid me that; we all met in the "Junction Inn" on this night expecting payment, but we did not get paid that night; he said that he was short of money, I think, and Michael Coyne wrote down some remarks on paper, and asked Mr. Kitcheman if he had paid the money, and he said "No," but that either he or Mr. Ryan would pay us the next night; and on the next night, I did receive 30 s. at the "Plasterers' Arms" in Old.

478. From whom did you receive it?—From Ryan.

479. Who else was there then?—There was none of our party there at all; no one saw me getting it but myself.

480. After this, did you meet Kitcheman at a public-house in Peckover Walk?—Yes.

481. How long after that was it?—It was a week after.

482. Did he give anything to anyone in your presence?—Yes; he gave 6 l. to William Bowen.

483. Who else was there?—When we entered the room, which was a small apartment behind the bar, there was William White, Moses Quigley, William Kelley, Timothy Hooley, Jeremiah Ryan, Mr. Kitcheman, and me.

484. Did you go to the "Oak Inn" at the meeting of Mr. Ripley's?—Yes, I did.

485. Who asked you to go?—Mr. Kitcheman.

486. You went and you made a speech, did you not?—A sort of one.

487. Who asked you to do that?—Mr. Kitcheman.

488. And Mr. Ripley was there, was he?—Yes.

489. On the 7th of November, did you go to Blake's liquor vaults?—Yes; I did not take notice of the date, but I did go to Blake's.

490. How long after this meeting was it, that

you went to Blake's liquor vaults?—I do not know exactly.

491. Can you tell me about how long it was?—I should say about a week perhaps.

492. When you were there, did you see Jeremiah Ryan there?—Yes; it was on a Saturday evening that I saw him there.

493. Did he say anything to you then?—Yes; he called me out of the drinking vaults (there is a small room where people drink), and he said that he would give me on the Monday evening following, a 5 l. note.

494. Did you next meet him at the "Masons' Arms"?—Yes; about 10 o'clock at night.

495. Was Bowen there?—Yes.

496. Did Ryan give Bowen anything in your presence?—A 5 l. note.

497. Did he give anything to you at that time?—Not to me.

498. Did you afterwards go to the "Wellington Arms" in High-street?—Yes.

499. Was that the same night?—Yes.

500. In your presence did he give any money there to anybody; I mean Ryan?—Bowen gave me 2 l. 10 s.

501. Did he give anything to Kelly and to Hooley?—No; Hooley went in himself and got a 5 l. note from Ryan, and they divided the money between them at the same table.

502. Hooley and Kelly, you say, divided that money between them?—Yes; 2 l. 10 s. each.

503. Do you afterwards recollect meeting Kitcheman near the "Church Steps" public-house?—Yes.

504. Did you go into the "Church Steps" public-house with him?—Yes.

505. What did he say to you there?—He asked us if it was true that we had had an interview with Mr. Michael Mahony or not.

506. What did he say to you?—Mr. Kitcheman asked me whether I had had an interview with Mr. Michael Mahony that day, and I said "Yes; me, Bowen, and Kelly."

507. Upon that what did he say?—He asked us to give him the nature of the interview, and I did not do so.

508. Mr. Baron Martin.] You did not tell him?—No.

509. Mr. Mellor.] What did he say then?—He told me and the other men to "stick to our colours" and we should be all right, that if there was any difference in the way, he would make it all right.

510. Did he mention any sums of money?—Yes.

511. Did he mention any amount; what did he say?—We told him that Ryan had promised us 5 l. each, me and Bowen, on the Saturday previous, and that we did not get it; he said, "Suppose I meet you to-morrow night at the 'Junction Inn' and give you the other 2 l. 10 s. each; will that make it right?" We had some drink (I drank port wine at the "Junction Inn"), and we said "Yes, it would be right."

512. Did you meet him next night at the "Junction Inn"?—Yes; at seven o'clock.

513. Who was with you?—William Bowen and William Kelly.

514. Did he give you any money there?—Yes; a sovereign each.

515. What did he say?—He said that he was short of money, and asked us whether we would take his word for the balance, 30 s., which he

Mr.
M. Lamb.
26 January
1869.

would pay on the Saturday; it was altogether 5 l. for that week.

516. The next Saturday did you and Bowen meet Ryan at the "Fleece Inn" Yard?—Yes.

517. Did Ryan give Bowen anything there in your presence?—Two 5 l. notes.

518. From there, did you and Bowen go to the "Black Bull Inn" in Westgate?—Yes.

519. What did Bowen do there?—He changed a 5 l. note and gave Thomas Dermody the promised 2 l. in silver; I counted the 2 l. myself.

520. Who was Thomas Dermody?—I suppose he was a labouring man.

521. Do you know what he is; is he a voter?—I cannot say.

522. After this, did you meet Kilmarten, Rowney, and Patrick Ryan?—Yes; we went in the direction of the "Ring of Bells," and met them one by one.

523. What are those three men?—I suppose they are labouring men; I do not know what they work at.

524. Did Bowen give them anything?—A sovereign each.

525. After this, did Bowen give you any more money?—He gave me 30 s., and that made up the 5 l.

526. Afterwards did you, on one occasion, go to the old hall after the election?—Yes.

527. Did you see Mr. Terry there and Mr. Whitehouse?—Yes.

528. Who were there when you were in the hall?—There was a great many gentlemen sat round a table, but I did not know know their names.

529. Did you see Patrick Ryan there?—I saw him outside, not in the place where Mr. Terry was paying them.

530. Were you paid then?—Yes.

531. What where you paid?—4 l.

532. By whom?—By Mr. Terry.

533. Do you know Sam Abel's pulic-house in George-street?—Yes.

534. Before the election, had you ever seen Mr. Ripley there?—Yes.

535. And young Mr. Ripley, his son?—Yes.

536. Have you been there more than once?—Yes.

537. What has been going on when you have been there?—The night that Mr. Ripley spoke there, after he had done speaking, and him and his friends left the place, there was lots of drink.

538. How many men were there?—I should think about 30 or 40.

539. Were there any people there who had been with Mr. Ripley, and that remained?—Really, I cannot say; I cannot swear to it.

540. Did you see any man pay for the ale?—No; not a half-penny.

541. Did you partake of it?—I took some peppermint and ginger beer.

542. Did you pay for the peppermint?—No.

543. Or the ginger beer?—No.

544. At the other public-houses had you seen refreshments?—Yes.

545. How many public-houses?—I got refreshments myself and some of my friends, in the "Junction," and at the "Ivy Hotel."

546. At the "Junction Inn," did you pay for what you got?—No.

547. Were there other persons drinking there besides you?—Yes.

548. Did you see anybody else pay while you

were there?—Yes, I saw Jeremiah Ryan pay or a bottle of wine for us.

549. Was that tho only payment you saw at the "Junction Inn"?—No; more than that.

550. Who paid on other occasions?—I forget the names of the gentlem, but there were five or six of us in there, and two gentlemen came in (I could tell them if I saw them) and asked me what I was taking, and I said "A glass of wine;" "What are your friends drinking," and so they called according to their own way of drinking; the bill came in, and we did not pay anything for it.

551. Mr. Baron Martin.] Those gentlemen treated you?—Yes.

552. Mr. Mellor.] Which was the next public-house where you had refreshments?—It was the Friday night before the election; it was in the "Ivy Hotel," off Bradford Moor, Barker End-road; I was there with William Bowen and William Kelly, and Mr. Ripley made a speech there that night through the window; he addressed a large audience outside; Kitcheman did so too, while we were waiting, me, Bowen, and Kelly. Mr. Whitehouse came in and asked us, if we had had any refreshment, and we said "No;" he said "You must call for anything you require;" I had a glass of port wine, and my friend Mr. Bowen I think, had a glass of wine, and the other whisky but we did not pay for it.

553. Did you hear Mr. Whitehouse say anything to the landlady while you were there?—He told her to bring us in the refreshment that we required.

554. Were there other persons there besides you?—Two more and me, Bowen and Kelly.

555. Can you mention any other public-house at which you were present?—Not that night.

556. On any other occasion before the election, had you been to the "Harp of Erin"?—Yes; and saw this kind of refreshment; lots of ale, and bread and cheese, and tobacco.

557. Were there many people there at the time?—A great many.

558. Was refreshment brought in for everybody?—For everybody that was there.

559. Did you pay anything?—No.

560. Did you see any money paid?—No.

561. Did you see that on more than one occasion?—Yes; every time that I was there.

562. How often were you there before the election?—About, as near as I can say, three or four times.

563. And this went on on every occasion when you were there?—Yes; there was drink on every occasion.

Cross-examined by Mr. Price.

564. Was it after you made this speech or before that, they gave you this mixture of pepper mint or ginger beer?—Which speech?

565. You have stated that you made a speech for Mr. Ripley; was that the same night?—

Mr. Baron Martin.] No; he said that he asked questions.

566. Mr. Price.] Where did you make the speech for Mr. Ripley?—It would be about a fortnight or three weeks before the election.

567. Was it at the "Oak Inn"?—Yes.

568. You went about I suppose to canvass for him?—No, I did not.

569. Never?—Never.

570. You did like Bowen, did you not; you go

got paid for canvassing and did nothing?—I did not get paid for canvassing.

571. What were you paid for?—I got paid for neutralising the Irish voters.

572. You were to go round, were you not, and see the Irish voters?—At my own leisure at nights, after I had done work.

573. Did you go round and see them?—No; I attended meetings.

574. That was all you did, was it?—Yes.

575. Mr. Baron *Martin*.] Whose meetings did you attend?—Mr. Ripley's.

576. Did you attend any meetings of the Irish voters?—No; I did not, my lord.

577. Mr. *Price*.] You never did anything to neutralise the votes?—As far as words went, I did.

578. How were you to neutralise them?—I was to counsel them not to vote at the coming election as far as my influence went, with neighbours and friends.

579. You were a man of influence, were you not?—No; I do not presume to be a man of influence.

580. Do you mean to say that you had got this money not to canvass?—Yes.

581. But to neutralise?—Yes.

582. You cannot write your own name, can you?—No.

583. Do you remember having a paper read over to you?—Yes; I do.

584. Was that true?—Where was it at?

585. I do not know; do you remember Bowen putting your mark to a paper after it had been read over to you?—Yes; in Kitcheman's front sitting room.

586. That was true, was it not; did you put your name to that which was true?—I put my name to it so as to receive money that was coming to me.

587. Believing it to be true?—No.

588. Then did you put your hand to a lie, in order to get the money?—Not with that impression.

589. With what impression did you put your hand to this paper, or let your mark be put to it, believing it to be false or true?—I first want to know the paper.

590. No, no; who was it that read it over to you?—Mr. Kitcheman read it.

591. Was it in Mr. Kitcheman's office or in his presence?—This Kitcheman wrote upon it himself. I saw him write it in his own front sitting room.

592. Was it read over to you?—Yes.

593. Did you believe it to be true?—No.

594. Did you know it to be false?—I did.

595. Then you put your hand to a lie?—Yes, but I am not prepared to swear to it; he asked me to give my evidence to that effect, but I knew I was not under the obligation of an oath.

596. You put your hand to that which you knew to be a false statement?—Mr. Kitcheman asked me to do so.

597. And you did it, knowing it to be false?—But I am doing justice here to-day, I hope.

598. Do you know Mr. Arnold?—Yes, I do.

599. Who is he?—Mr. Arnold.

600. That is no answer to do justice; who is he?—I do not know what his business is.

601. Do you know what he is in politics; whom did he support?—He is Mr. Myall's supporter.

28.

602. Is he secretary to the Liberal Electoral Association?—I am told so.

603. Did you take a message from him to Mr. Ryan?—Yes.

604. What was the message from him to Mr. Ryan that you took?—I do not remember that.

605. Now, recollect Ryan is here, and on Saturday, November 28th, did you and Bowen tell Ryan that the secretary Mr. Arnold wanted to see him, Jeremiah Ryan?—Jeremiah told me to introduce him.

606. Never mind that, did you tell Ryan that Mr. Arnold wanted to see him?—Yes, but let me remark this before as to my bringing this message from Arnold.

Mr. Baron *Martin*.] I do not know what it was yet.

607. Mr. *Price*.] What was the message that you took from Mr. Arnold to Ryan?—He wanted an interview with Ryan.

608. Did you afterwards go on Monday to Mr. Hargreaves' office; you, Bowen, and Ryan?—Yes, we all three went.

609. Who is Mr. Hargreaves?—He is a lawyer.

610. On which side is he in politics?—I cannot say which side he is on.

611. Which side did he act for at the election?—I do not know what side in politics he took, but I know what side he is on now; he is solicitor for the petitioner; Mr. Miall's petitioner.

612. Did Mr. Hargreaves offer in your presence any sum of money for the evidence to be given?—I never heard him offer any money for evidence, but I heard him—Ryan said that he would bring in all his statement for a certain amount of money.

613. Did you not hear Mr. Hargreaves offer a specific sum of money, if you and Ryan and Bowen would give evidence?—Me, Bowen, and Ryan?

614. Yes?—No.

615. To whom did he offer the money?—He did not offer me any.

616. Did he offer any money to anybody?—To nobody in my presence.

617. Did not Mr. Arnold in your presence offer 50 l.?—No, he did not.

618. Nor any sum?—No, he did not. He named no certain sum of money in my presence.

619. What do you mean by a certain sum of money?—No sum.

620. Did you hear any sum named?—Not by Mr. Hargreaves.

621. Then by whom?—I heard Mr. Arnold say that if he brought in his statement, he would be paid for his trouble and his time.

622. Did Mr. Arnold offer him 50 l.?—For his information?

623. Did he offer him 50 l.; was Mr. Arnold there?—Yes.

624. At Mr. Hargreaves' office?—Yes.

625. Was it Mr. Arnold who offered the money?—Yes.

626. Did he offer 50 l.?—Yes, he asked Ryan if he would take 50 l. for the information that he (Ryan) could give him connected with Mr. Ripley's election, and Ryan said that he would not take it; he said that he would take nothing short of 100 l., with a guarantee for 100 l. afterwards.

B 3.

Mr.
M. Lamb.
—
26 January
1869.

Mr.
M. Lamb.
26 January
1869.

wards. Mr. Arnold said, "Would you not take 50 l.?" and he said, "Nothing short of 100 l." Mr. Arnold then said, "When can you bring these papers in?" "By to-morrow at one o'clock," said Ryan. On my oath I did not hear Mr. Arnold or Mr. Hargreaves, nor any other man, promise him 100 l. when he brought the papers.

627. You and Bowen were there, and you heard this?—Yes.

628. Was any money paid?—I never saw any money paid.

629. You are not to have any of it, are you?—I do not expect any of it.

630. You are not to have any of it?—I never expect any money.

631. Are you to have any?—What?

632. Money?—For what?

633. For what you are doing now?—I do not expect it. I made no agreement to that effect; I give my statement voluntarily, without putting any price upon it.

634. Are you one of the gentlemen who went down to Ryan's house to see if he had got this 50 l.?—I never asked him for any money.

635. Did you go to Ryan's house at two o'clock in the morning for that purpose with Bowen?—Never; I went there about 11 o'clock at night, but I did not go for money.

636. Then what did you go for?—He gave me an order for a coat, and as I had heard that he was going to leave the town, I wanted to enter into some arrangement or other about this coat, because if he had left the town of course it would be a serious loss to me if the coat was thrown on my hands, and that was the reason why I went to his house.

637. Did you not knock him up from his bed?—No, I did not.

638. Were they not all gone to bed when you went to his house?—I do not know, but the door was fast when I got there; I heard that there were people inside the house.

639. Did not Ryan's wife threaten you?—No, she did not. I asked her whether Ryan was there, and she told me that she did not know. I asked her again, and she told me worse than that.

640. What did she say?—The answer was, "You can kiss my backside, and Ryan's, and all." She got a summons for me.

641. She is not the only woman, I believe, who has got a summons out against you?—I do not know never a woman who got a summons for me before.

642. Not your own wife?—Never.

643. Not for ill-treating her?—Who informed you of that?

644. Never mind that?—I never stood in this court.

645. Is there not a summons against you now?—By whom?

646. Your wife?—Certainly not.

647. Did not Ryan make a bargain for you, that you were to have 50 l., you and Bowen?—I protest against that, and there are gentlemen in court who know it.

648. You would, of course, not think of taking it?—I told them that I did not want anything.

649. Ryan proposed it, did he not?—Yes.

650. That you and Bowen should have 50 l., and the other was for Ryan?—Yes.

651. Mr. Arnold agreed to it, did he not?—I do not know.

652. Did you go to Mr. Kitcheman that night,

and threaten him that you would have some money as your share?—No, I did not.

653. Did you not go there?—No, I did not; not that night.

654. Did you go on any other night?—The same night that I was at Ryan's, his wife told us that he was at Mr. Kitcheman's, and we went there, and Ryan was not there; Kitcheman was there, and we went with two policemen.

655. You and Bowen went there to demand some money, did you not?—No, we did not ask for any money.

656. What did you go there for?—To see if Ryan was there.

657. Did you get any answer to your inquiry?—Mr. Kitcheman said he was not there, nor had not been there that night.

658. Did you tell Mr. Kitcheman that you wanted to see Ryan in order to get some money from him?—Nothing of the kind.

659. With regard to the "Harp of Erin," how many were there there; I mean, where you had the glass of ale and the bread and cheese; how many were there there?—I saw as many as 20 people there.

660. Was that a committee house?—Yes, I understood so about 8 or 10 days before the election.

661. Was this in the committee-room?—Yes.

662. Did you know some of the men there?—Yes, I knew some of them.

663. Were they canvassers?—I do not know whether they were or not.

664. Do you know whether the canvassers who went out at night were allowed to have refreshments when they came in at night to make their reports?—I saw no men there in the capacity of canvassers; I saw no men there with books.

665. Do you know that the canvassers for Mr. Ripley, when they came to the committee-rooms that night, were allowed refreshments?—Of course.

666. Did you get any refreshments, because you had been out as a canvasser?—No, I did not.

667. Did you pretend that you had been so out as a canvasser?—No, Ryan asked me to go there, but not as a canvasser.

668. But you went as a neutralizer, did you not?—Yes, if you like.

669. You have stated that Mr. Whitehouse said that you were to have refreshments; did he know that you were a neutralizer?—I suppose he did; he must have known that I took some part in it.

670. Did you, like your friend Bowen, go about from public-house to public-house, and expend the money that you had received?—I disposed of the money in many ways.

671. How much did you get altogether?—About 16 l.; the same as Bowen.

672. Did you give Ryan a list of names of persons whom you said you had canvassed, or at all events neutralized?—I gave him a list of 11 names the week after I joined the committee, and Mr. Kitcheman asked me if we were making any progress in counselling the people against voting; I gave the names to Ryan, and Ryan handed them to Mr. Kitcheman.

673. He asked you, I suppose, what progress you had made, and did you make a report to him?—I gave him a list of 11 names of parties who had promised to keep out of the election.

674. At Sam Abel's, how many persons were there

there just before the election; I mean, when Mr. Ripley and his son were there?—When he addressed that meeting there was above 100.

675. Did he address the persons there outside?—No, he addressed them out of the window at Sam Abel's.

676. How long was Mr. Ripley there?—I cannot say exactly, perhaps about an hour.

677. He was speaking there, I suppose, to his supporters and his committee?—He was speaking to all the people who were present there.

678. When you made a speech, I suppose it was in favour of Mr. Ripley?—What I said was this; I gave them to understand, as I told the people there, that they were to look upon me as an unpaid canvasser of Mr. Ripley's.

679. Then you told them a lie there?—I told them I was not a canvasser.

680. That was not a lie, was it?—No, it was not.

681. Were you a canvasser?—I was not; I told the people to keep neutral, and I said they were not to understand me as a paid canvasser, or as a canvasser of any description.

682. What else did you tell them? (*No answer.*)

683. What did you mean when you said that you were an unpaid canvasser for Mr. Ripley?—I gave them to understand so; I told them that I was not a canvasser under any circumstances.

684. You stated just now, "I told them that I was an unpaid canvasser for Mr. Ripley?"—I said that I was not a canvasser.

685. That was your meaning, was it?—That is my meaning. I said that I was not a canvasser; that is how I intended to put it.

686. Did you intend them to believe that you were an unpaid canvasser?—That I was not a canvasser under any circumstances.

687. Just tell me this; what was your speech about?—I do not know that it was exactly for Mr. Ripley.

688. Was it about yourself?—No.

689. Was it for Mr. Miall?—It was not. I think it was generally against Mr. Forster, and asking the Irish people to vote solid against him.

690. That was how you tried to neutralise them?—Yes.

Re-examined by Mr. Giffard.

691. The document that my learned friend has put into your hand, I propose to have read before I ask you any question.

(*Letter, dated 23rd November 1868, was read.*)

692. What was said before you were asked to sign that document?—Mr. Kitcheman asked me if we had heard about a note that Thomas Lawlor had sent him, and we said no, we had not, and he took the note out of his pocket and read it for us. He said that there had been some disputes between Mr. Kitcheman, or Mr. Whitehouse, and this Lawlor about some person that should have received money from Lawlor, and he sent back this note. I think the note, if I recollect rightly, was sent to Mr. Whitehouse, and from him to Mr. Kitcheman, and Mr. Kitcheman read the note for us. It stated, as near as I can recollect, that he had never received any money to pay non-electors, but that he (Lawlor) received money to pay electors, and that he was prepared to prove.

693. Then who wrote this out; was it already

written for you?—Mr. Kitcheman wrote it himself.

694. On the 23rd November?—Yes, a week after the election.

695. Was it at that time that he gave you and Bowen a note to take to Mr. Terry?—Yes, the same day.

696. Was it at the same time?—Yes.

697. Had you been in communication with this gentleman, Mr. Arnold, before that time?—That very day, that was the first day.

698. Before you went to Mr. Terry, did you show the note that Mr. Kitcheman had given you for Mr. Terry to Mr. Arnold?—I did that evening.

699. After that you delivered it to Mr. Terry?—Yes.

700. How long after this was it that you and Ryan were at Mr. Hargreaves' office?—A week afterwards.

701. How came you to be at Mr. Hargreaves' office?—Me and my friend Bowen gave in the first part of our statement connected with it.

702. Did you find Ryan there when you got there, or did he come in afterwards?—No, Mr. Ryan asked me to introduce him to Mr. Hargreaves.

703. Did you do so?—I did.

704. Mr. Hargreaves saw you and Ryan, as I understand, together, at Ryan's request?—Yes.

705. What passed; who first suggested the payment of any money?—Ryan.

706. What did he say?—He said he knew it was dishonest, and could not be honourable, and he wanted to persuade me that I was not acting an honourable part in it.

707. Dishonourable about what?—About supposing the part that we had taken.

708. Well, when you got to Mr. Hargreaves' office, who first suggested the payment of any sum of money for information?—Jeremiah Ryan, to the best of my recollection.

709. What did he say?—He asked Mr. Hargreaves to let him look at the list of names of the various committees, and he did so.

710. What happened next?—I scarcely remember.

711. What did he say about a sum of money being paid?—He said that he would give him all the information connected with the whole affair, from his first engagement with Mr. Ripley's election, for 100 *l.* down.

712. Was it after that that Mr. Hargreaves said anything about 50 *l.*?—It was Mr. Arnold, I think, that said so.

713. You are quite right; what did he say about 50 *l.*?—Mr. Hargreaves told us to call in that evening at seven o'clock, and he would consider it.

714. Did you go with him again?—That night I did.

715. It was on the second occasion, was it, that 50 *l.* was mentioned?—Yes.

716. What was said about that?—Mr. Arnold asked him if he did not think that 50 *l.* was sufficient.

717. What did he say to that?—He said that he would take nothing short of 100 *l.* down, and a guarantee of 100 *l.* afterwards; and he said, "As my two friends, Bowen and Lamb, have been with me from the commencement, I would also put in for 100 *l.* for them, too;" but there are gentlemen in this court who know that I objected to that part of the proposition.

B 4

718. Was

Mr.
M. Lamb.
26 January
1869.

Mr. 718. Was that agreed to at Mr. Hargreaves' office, or did Mr. Arnold agree to give any one of those sums?—Mr. Arnold asked him how soon he could prepare the papers and documents.

26 January 1869. 719. Mr. Baron *Martin*.] You mean, a statement of his evidence?—Yes; and so he said that he could get them ready by one o'clock next day; "Very well," says Arnold, "bring them in at one o'clock."

720. Mr. *Giffard*.] What has become of Ryan since; my learned friend says that he is here?—He is in court.

721. When did you see him last before to-day?—I have not seen him; not since the day and the same night that we went up to his place; me and Bowen.

722. You have not seen him from that time till now?—No.

723. I think you say that you and Bowen had

made your statement before that?—A portion of it.

724. Before anything had been said about money at all?—Yes.

725. Have you received from that time to this any promise of money at all?—No.

726. Mr. Baron *Martin*.] You say you got 16*l*. at the election?—Yes.

727. What did you get it for?—We got it to bear our expenses.

728. What expenses?—In going amongst our countrymen to counsel them not to vote.

729. Have you anything else to add?—No, my Lord; that was the agreement between Kitcheman and me.

[The Witness withdrew.]

The Court adjourned for a quarter of an hour.

MICHAEL COYNE, sworn; Examined by Mr. *Giffard*.

M. Coyne. 730. WHAT are you?—I am a stuff warehouseman by trade.

731. Are you a voter for the borough?—No.

732. You are an Irishman, I believe?—Yes.

733. And you have a considerable acquaintance among the Irish voters in the borough?—I am very well known amongst my countrymen, and I know a great number of them, both voters and non-electors.

734. Do you remember being introduced to Mr. Kitcheman?—Yes.

735. About what time was that?—It may be remembered by some of the gentlemen in this court, that Mr. Ripley called a meeting of the Irish voters.

736. About when?—To the best of my knowledge, it was the first Monday after that, that being on a Thursday.

737. Cannot you give me some notion with reference to the election; about how long was it before the election?—To the best of my knowledge it was on the 12th of November as well as I can judge.

738. I am told that the meeting was the 9th, so that that would be about it; were you in company with Jerry Ryan when you were introduced to Mr. Kitcheman?—Yes; I happened in accidentally, where they were both sitting, at Mr. Blake's vaults, under the Exchange.

739. Ultimately did Mr. Kitcheman speak to you about the Irish voters?—Yes, he did.

740. What did he say?—Oh, the substance of it; about the commencement of his discourse to me was about the meeting that Mr. Ripley had had at the Mechanics' Institute; he did not believe that it was the fault of the Irish people why he did not get a hearing. I said that I concurred in that; that it was the English supporters of Mr. Miall to the right and left of the platform that kept up a disturbance, but I said I also understood, and I felt convinced, that if the Irish were left alone at that meeting to manage their own affairs, Mr. Ripley would have received a greater discomfort at their hands than he had at the meeting. Mr. Kitcheman said he doubted that.

741. We need not go through the politics of the town; I want to come to what is more material; just go on, will you?—I wrote the affair down at the time, and it is so long ago that I

have not a copy of it; I gave it up at the time, and I cannot rehearse it.

742. Just give us the substance of it exactly, if you can?—Will you please to assist me.

743. Mr. Baron *Martin*.] It is not permitted to assist a man in his evidence; you must tell us yourself?—He said he doubted that the Irish voters were so much in favour of Mr. Miall as that they would put down Mr. Ripley without a hearing. Jerry Ryan said that he thought they were, but he was convinced also that it was not the Irish people who prevented Mr. Ripley going on at that place. The result of the conversation was this: it was nothing of any great importance occurred except this, that he said that Mr. Ripley had determined to call another Irish meeting in order that they might have fair play, and I said that he would be sure to have fair play, though they disagreed with Mr. Ripley, with both him and his party; and in order to show that the Irish people were impartial, and as capable of judging between the merits of people as any other men, I would assist him; I would not only go to the meeting, but would assist him to get it up. Thereupon it was arranged that we should meet the next afternoon, that being on the Monday; I think it was on the Tuesday it was arranged that we should meet at the "Manor House" in Darby-street, Mr. Kitcheman, Jerry Ryan, and myself to cull the Irish names from the Burgess roll of the East Ward; very well, we did so. I believe it was while we were in that conversation at the business at the "Manor House," that Mr. Kitcheman said he was chairman of the East Ward; chairman, or vice-chairman, I cannot say which.

744. Mr. Baron *Martin*.] The "Manor House" is a public-house, I suppose?—Yes, the "Manor House" is a public-house. Jerry Ryan confirmed that statement outside afterwards; I was out of employment then.

745. Mr. *Giffard*.] What more was said?—I was out of employment at that time, and I expected work that afternoon in the stuff warehouse line; there are a number of men called helping hands; they are only taken on when they are wanted, and turned off when they are not.

746. Mr. Baron *Martin*.] When was there an agreement made to pay you money?—I am coming

M. Coyne.

26 January
1869.

coming to that; it is simply this; I said I am a helping hand in the stuff trade; as a helping hand I was promised employment for that afternoon, and as I promised him to assist him to cull the names on the burgess roll, I stopped off my employment, and consequently I demanded 5s. for the afternoon, and I got it of Ryan, and any amount of drink and beef steaks to be eaten upstairs; Jerry Ryan was displeased with me for demanding so much, but I have since ascertained he was receiving 10s.

747. What happened thereupon?—When we had finished, and were coming away in the afternoon; I think it was that evening there was a meeting of Irishmen called at the “Cross Keys” on Bolton-road; I have since ascertained that it was called by the members of the Irish committee for securing the return, or rather not securing the return, but to neutralise the Irish votes; Jerry Ryan asked me to be on that committee. I am not an orator, gentlemen, but I am come here to give statements as well as I can.

748. Just go on and describe what was done about money; what was said about it?—At the “Cross Keys” on the Bolton-road, Kitcheman was there, I was there, and Jerry Ryan, Mr. Lamb, Mr. Bowen, and others; Ryan told me about this meeting, but he said he was only asked there himself, and I understood that it was a man of the name of James Shelley that called this meeting.

749. Never mind what you understood; do attend; I am asking you what took place, what was said, and what was done then, and then what was done since; will you just describe what you saw, what was done, and what was said, and then we will get on faster; we have got to the “Cross Keys” now, you know?—Mr. Kitcheman of course championed Mr. Ripley; Mr. Ryan and Mr. Lamb went in for the neutrality business, and I went on on neutrality, too, under certain circumstances. I did not believe that the Parliament of England would give Irishmen what they really required, and on that account I ignored any Irishman taking part in any election, for what good would come from the Parliament of England to Ireland. The reason I supported Mr. Miall was this, that there was a number of English Liberals in Bradford who had assisted the Irish people considerably, that had spoken and written, and even contributed in their behalf in their distress, and I found all those men on one side; they were all gentlemen, consequently they were above my countrymen in station, and they could not return them that compliment by any contrivance, except by assisting them to return the man of their choice. Mr. Ryan and Mr. Lamb went in for neutrality, and others there also.

750. Do you remember Mr. Kitcheman speaking to you at all about what you were to do among the Irish?—Yes; it was after this that that came about; the meeting happened to be at the Junction Hotel. Jerry Ryan asked me to go there under those conditions, that I said I would not on any account damage the candidate, Mr. Miall, with my countrymen, for he said that, without asking them to vote for Mr. Ripley, he thought Mr. Kitcheman would be quite satisfied if we neutralised the votes; he went and inquired of Mr. Kitcheman whether that would do, and he saw me again and said that would do, was suspicious of Ryan being engaged in Mr. Kitcheman’s service, and I went to Mr. Kitch-

man and I ascertained how many of my country men was doing what I termed the dirty work.

751. Did you use the words “dirty work” at the time?—Yes, I used the words “dirty work” at the time, and I used it inside afterwards when he asked me to go there, and, being suspicious that he was engaged at the time, though he told me he was not engaged, I went with him to see what the money really was and to pick out also how many were engaged. I met him on the Monday, I think, after this; it was on a Monday that I met him, and it was outside the Junction Hotel; Mr. Kitcheman was to be there, and before Mr. Kitcheman came he told me how many.

752. Who is “he”?—Mr. Kitcheman; before Mr. Kitcheman came I met Jerry Ryan at the time appointed, and he says, “You would be really astonished if you were to know all that are Irishmen that are engaged in this work of neutralising the Irish votes.” He says “Mr. Kitcheman has complimented me for being a good general, for,” he says, “I have brought them all in one by one unknown to each other, and of course,” he says, “you are not known to anybody.”

753. Mr. Baron *Martin*.] Just come to where you got the 1 l.?—Very well; it was at night.

754. Mr. *Giffard*.] Did you tell Jerry Ryan whether you would join or not?—I told Jerry that I would go in there that night.

755. Were there other persons besides you and Jerry at this place?—No.

756. Mr. Baron *Martin*.] At what public-house?—Mr. Kitcheman came in shortly afterwards to the Junction Hotel between one and two o’clock; Jerry Ryan and I and him were together in the back room at the Junction Hotel.

757. Mr. *Giffard*.] You say between one and two; was it day or night?—In the day; in the afternoon.

758. What happened?—He said that he was very happy to get me on Mr. Ripley’s side.

759. That is what Mr. Kitcheman said?—Yes, Mr. Kitcheman said that; although he heard me speak in favour of Mr. Miall at the “Cross Keys;” he afterwards told Jerry Ryan that he would like to have me on my side.

760. Was anything said between you and Mr. Kitcheman about money; about what it would cost, and what for?—I did not make any reply, to the best of my knowledge, except that I thought I could keep them from voting, however, meaning the Irish voters; Mr. Kitcheman said that would do.

761. What more was said?—Jerry Ryan told me to demand 3 l. a week at least.

762. Was that before this conversation with Mr. Kitcheman?—While we were outside.

763. Do keep to one thing at a time; what did you, in fact, ask from Mr. Kitcheman?—I said that 2 l. 15s. or 3 l. a week, I thought, would be wanted at the least.

764. Did you say at the time to Mr. Kitcheman what you wanted that for?—Yes, I did.

765. What did you say?—I told him it would take a deal of money to go amongst my countrymen, in case I was to treat them; I said I wanted it to spend amongst my countrymen, to keep them from voting.

766. I think I caught the word “treating”?—Treating did occur in it, and Mr. Kitcheman said he would not listen to it; he said he knew that

M. Coyne.

26 January
1869.

that the money was to spend there, but, of course, they were not allowed to go in directly for treating.

767. Was anything said about what the money was to be called, what it was to be for?—He did not say what it was to be for; he said it was to spend amongst my countrymen, that was all; it was not for myself, it was to spend amongst them. The money was not paid then; we were to see him at night.

768. Mr. Baron *Martin*.] Did he agree to give you the 2 l. 15 s. or 3 l.?—He did; he said he would see me at night.

769. Mr. *Giffard*.] When anything was said about the spending it among your countrymen, did you say whether it would cost much or little money to do that or anything of that sort?—Yes, I did. I said to get in amongst a lot of Irishmen, or a lot of the new working-class men, to get them to do anything at the election; it would cost a deal of money; 5 s., or 10 s., or 15 s. went away in beer or whiskey in a very short time, or perhaps 1 l. or 25 s., or something of that sort.

770. What said Mr. Kitcheman to that?—Mr. Kitcheman said that he knew that but too well, and I do not know whether it was on that night that he made a similar reply, that he had been hauled over the coals himself for treating by his own committee, or rather for expending of money.

771. Was there anything further, do you remember, that took place at that interview?—I cannot recollect.

772. What time were you to meet again in the evening?—After I came out from the warehouse.

773. What time would that be?—About seven o'clock.

774. Did you meet Mr. Kitcheman that evening again?—Yes, I met him that evening again and Jerry Ryan downstairs, in the same room, while he was paying me the money.

775. What money did he pay you?—£.2 15 s.

776. While he paid you the money, did you notice anything about Jerry Ryan's behaviour?—Yes.

777. What did you notice?—He went to the door; he faced the door; he went up to the door as if to go out in order that he might not see what money I got.

778. In the position in which he would be, he would not see the money you got?—No; I held the money in my hand.

779. You held the money in your hand till Jerry Ryan came back?—Yes.

780. Did you show it to him?—Yes.

781. What did you say?—I said, "Oh! Mr. Ryan, I said there were 2 l. 15 s. that I have got from Mr. Kitcheman for expenses." "Oh, no," said Mr. Kitcheman, "as wage." "Do not you see," says Ryan, "that they are not allowed to put this in as expenses; it would be treating." "Oh, I see," I said. "Of course," said Kitcheman, "that is understood; that is all right." Very well, he told me there was a meeting.

782. At that time, did Mr. Kitcheman say anything to you about Ryan, and what Ryan was to do, and what you were to do with reference to Ryan?—He complimented Ryan, and said he had done his work very well, and he hoped that I would stand by Ryan and take my orders from him, and that between us both we were to marshal all the Irish committee.

783. Did Jerry Ryan say anything to you at that time about there being other men upstairs?—Yes, he said that there would be a meeting there that night, and I objected at first going up amongst the meeting.

784. I am asking you about the time, the night after you had met there in the evening?—He told me that at dinner time.

785. At this conversation which you have been telling us, after the money was paid, did Jerry say anything about whether there were any men upstairs then?—Yes; he came back and told Mr. Kitcheman that the men had gone upstairs.

786. Did you go upstairs then?—Yes, he asked me upstairs; I partly objected.

787. Who went up with you?—Jerry Ryan.

788. Did Mr. Kitcheman go up or not?—Yes. Mr. Kitcheman followed up.

789. When you got upstairs whom did you see?—Mr. Kitcheman took the chair; before commencing the business, of course, he paid for wine and cigars all round.

790. Who was there?—There was Jerry Ryan, of course, came up with him, Timothy Hooley, Michael Lamb, William Bowen, and William Kelly.

791. Did Jerry Ryan tell you whether they were part of the Irish committee?—Yes; he said that they were formed into an Irish committee; that they were an Irish committee.

792. Did he say what for?—For neutralising the Irish votes; knowing that they were Irish people who had a prepossession in favour of Mr. Miall it was their duty to neutralise them.

793. Mr. *Overend*.] Is this fine talk of your own, or was that what he said?—Am I on my oath or am I not?

794. Mr. *Giffard*.] My learned friend wants to know whether what you have been telling us is what you heard then and there with your own ears?—Yes; Ryan told me down stairs that they were an Irish committee, and that the members of that committee would meet upstairs at seven o'clock where they were to meet Mr. Kitcheman, and also downstairs.

795. But was anything said at that time about what the committee was for?—For neutralising the Irish votes; Jerry Ryan told me that.

796. Mr. Baron *Martin*.] As far as we have got yet, he had got 2 l. 10 s. for the purpose of endeavouring to neutralise the Irish votes; in other words, that they should refrain from voting?—That is so, my Lord.

797. Mr. *Giffard*.] Let us go upstairs again if you please. You were upstairs, and you told me that Mr. Kitcheman first ordered something; I suppose you drank it?—Oh, yes.

798. While that was going on, and after it was going on, was there any discussion about whether a sovereign was enough; describe what the discussion was?—There was very little discussion.

799. First of all, what did you see done?—Mr. Lamb grumbled at the payment; he said it was insufficient.

800. Did you see the payment made?—Yes; after he had got a sovereign they all then got a sovereign each; I saw a sovereign paid to each of them. After receiving a sovereign Mr. Lamb found fault with the amount paid, and I supported him, and knowing that I had something to do afterwards before the committee broke up, I remained till Mr. Lamb was out; I thought that we should get more money.

801. What

801. What did you say or do?—I repeated what I said down stairs.

802. What did you say?—That to go amongst Irishmen, particularly the labouring men that were strong and healthy, you had to take a deal of money for to treat them all round; that 15s. or 1*l.* was lost in no time.

803. What said Mr. Kitcheman to that?—Oh, he fully concurred in that; he said that he really knew that it had cost him a deal of money going about; in fact, it had been mentioned by some of Mr. Miall's friends to their committee, and that he had been hauled over the coals for it again; as I said he repeated the same reply upstairs; one remark called forth another.

804. Was there any additional payment made?—Yes; after I supported Mr. Lamb in his proposition for more money, he gave us half a sovereign each.

805. Mr. Kitcheman did himself, did he?—I will not swear positively he gave it us in half sovereigns; but he gave 2*l.* out I know, because he says, "There is 10*s.* each more for you, gentlemen, that makes 30*s.*"

806. Mr. Baron *Martin*.] How much did you yourself get altogether?—I got 5*l.* 15*s.* altogether.

807. Mr. *Giffard*.] At that interview did Mr. Kitcheman produce a paper for you to sign?—Yes; after I had told him down stairs that I thought I could neutralise them; keep them from voting.

808. Don't go down stairs again. Keep to one thing at a time. I want you to tell me about the paper that was produced upstairs?—He brought forth a form out of his pocket. He said he had full confidence in the men; but he said that he

wanted to show this to his committee, and it was necessary that we should all sign it, and the form run thus, as near as I can recollect.

Mr. *Giffard*.] We will call for it.

Mr. *Overend*.] We do not produce it.

809. Mr. *Giffard*.] Did you sign it, and did Mr. Kitcheman take it away?—We signed it, and Mr. Kitcheman took it away; he said he wanted to show it to his committee.

Mr. *Giffard* (to Mr. *Overend*).] You admit the notice to produce, I presume?

Mr. *Overend*.] You ought to call Mr. Kitcheman if it is proved to be in Mr. Kitcheman's handwriting.

Mr. *Giffard*.] I certainly do not mean to call Mr. Kitcheman.

Mr. Baron *Martin*.] You must trace it to Mr. Kitcheman.

Mr. *Giffard*.] That is rather an issue for your Lordship upon this. I have already given evidence showing Mr. Kitcheman's conduct and behaviour in the matter.

Mr. Baron *Martin*.] As far as the parties are concerned, there are three petitioners against Mr. Ripley, and there is notice to produce that will affect any document in the possession of Mr. Ripley, but will not affect any document in the possession of Mr. Kitcheman.

Mr. *Giffard*.] You will find, probably, that Mr. Kitcheman was so far identified with Mr. Ripley that it was presumably in his possession.

Mr. EDWARD KITCHEMAN was called; but not sworn.

810. Mr. *Giffard*.] Do you produce the document?—I believe I have it at home; I did not think it of importance or I would have brought it.

Mr. Baron *Martin*.] You have no right, Mr. *Giffard*, to ask him the question without swearing him.

Mr. *Price*.] He was subpoenaed, and told not to attend to-day.

Mr. *Giffard*.] But he is here.

Mr. *Overend*.] Then you make him your witness.

Mr. *Giffard*.] I do not, indeed.

Mr. *Overend*.] You have examined him already.

Mr. *Giffard*.] I have not, indeed. I simply ask him to produce the document upon his subpoena. I have taken very good care not to call him as a witness, and do not mean to.

Mr. Baron *Martin*.] Without swearing him, you cannot properly ask him any question.

Mr. *Giffard*.] I know that, my Lord. I simply call for the document, and it is not produced.

Mr. *Overend*.] Prove your notice to produce or your subpoena *duces tecum*.

Mr. Baron *Martin*.] You must produce it by voluntarily handing it over to Mr. *Giffard*,

or by his sitting down without saying anything about it.

Mr. *Overend*.] That cannot entitle my learned friend to have secondary evidence about it.

Mr. Baron *Martin*.] Certainly not. He is not in a position to examine upon it. As I understand, Mr. Kitcheman has the document.

Mr. *Giffard*.] All I can do is to call for the document; I do not make him my witness; if he does not produce it hereafter it may be I can give secondary evidence upon its contents.

Mr. *Overend*.] No, you may prosecute or bring an action against him.

811. Mr. *Giffard* (to the Witness, *Michael Coyne*).] You signed some document which Mr. Kitcheman took away with him; is that so?—Yes, he took the document away with him.

812. For the purpose of showing his committee, I think, you said?—Yes.

813. Do not tell me what was in the document; but, before the document went away, did you make an alteration in it yourself?—Yes; I cannot explain that alteration unless you allow me to say what the document was.

814. Did you make an alteration?—Yes.

815. Did you get any more money that night, or not?—No, no more money that night.

M. Coyne.

26 January
1869.

*Mr. E.
Kitcheman.*

M. Coyne.

M. Cayne.

26 January
1869.

816. After this, did Mr. Kitcheman go away into another room?—Yes, he did.

817. Did you hear from him where it was, what the meeting was that he went to?—Yes; he said he had to attend to another committee in the house.

818. Did he tell you what committee it was; whether an English committee or an Irish committee?—He did not; but I understood it to be an English committee.

819. Did you afterwards ask Jerry Ryan what you were to do about the list of names?—Yes.

820. What did you ask him?—Before Mr. Kitcheman left the Junction Hotel that night, while he was still with us, he told us he would expect from each man a return of what he had done during the week about getting those men not to vote. I told Ryan on going in that I would never do anything for the money that I was receiving; distinctly I said so.

821. Did you tell him why?—Yes; I told him it was against my conscience—and he knew that.

822. Did you afterwards make out a list?—Yes, I made out a list, but it was under these circumstances.

823. Did you give it to Jerry Ryan?—Yes.

824. Did you direct Ryan to get any money for you?—Yes.

825. What money did you direct Ryan to get?—I told him to get 3*l.*; but he did not—I got it myself.

826. Where was it, and when was it you got the 3*l.*?—The first money I got was on a Monday night, the 12th, to the best of my knowledge—the next was on Wednesday the 21st, under the Exchange, in Mr. Blake's vaults; there was nobody present but Jerry Ryan and Mr. Kitcheman and I.

827. First of all, when was it—what month was this in that you are speaking of?—October, I think.

828. What passed at this meeting—or rather, first of all, what is the place where you met—what sort of a place is it?—It was in Mr. Blake's vaults.

829. What is that?—It is a public-house and restaurant.

830. Where was it you met—what part of the house was it?—Where the Irish committee used to meet.

831. What part of the house is it—is it a parlour, drawing-room, or a kitchen, or a garret?—No; there are two rooms on the floor, besides the dining-room—it was in a room next the "Fleece," in Bank-street.

832. I believe they are called vaults—are they underground?—Yes.

833. What passed at that meeting, when you three were present?—Jerry Ryan and I were there before Mr. Kitcheman came—he came in all flurried, and he said "Gentlemen, it has got to Mr. Miall's supporters that we are paying canvassers, and paying men not to vote—paying the Irishmen not to vote, Now," he says, "I can answer that there is not a single paid canvasser but those that are amongst the Irish, and as this has gotten down, Mr. Ripley and Mr. Little have positively refused to give another farthing."

834. What more was said?—That was all. Mr. Ripley had refused to give any more money for that purpose, and it had also gotten out that he had treated people at Bolton-road, the Wharf Hotel, and other places. Mr. Kitcheman came

in all flurried after Ryan and I had been waiting there in the vaults, and he pulled out his purse paying me 3*l.* in gold, and giving Ryan gold and a bank note. I do not know how much for he remarked at the same time and he said "Gentlemen, it has oozed out and got to the supporters of Mr. Miall that we are paying canvassers, and paying the Irish for to not vote, and it has gotten back to our committee—consequently, Mr. Little and Mr. Ripley have positively refused to give another farthing. It has also gotten out that I spent money in treating for people in Bolton-road, which I knew he had been very foolish in doing—because I saw him do it myself. He said he knew he was foolish enough to do it, and for that reason he would pay no more money to any Irish, nor treat none of the committee any more anywhere, but that Jerry Ryan would have the paying of the Irish committee from that house, and handing him the money at the same time.

835. After that were you taken to see Mr. Ripley himself?—No, I think it was before that.

836. How long before?—If I do not mistake the first Monday night that we met, I saw Mr. Kitcheman coming out with Ryan.

837. I ask you when you were taken to see Mr. Ripley?—I am coming to that. Like everybody else I thought I would ask the question as to what Mr. Ripley would do for Ireland, and the Irish people. Mr. Kitcheman assured me that he would do as much as Mr. Miall, and more, and for that reason he would take me on to see him at the Victoria Hotel, and I feasted my eyes on that beautiful building—I was never in it before.

838. Just tell me, did you at any time endeavour to neutralise the votes of your countrymen?—No, never; I opposed it all through, in the presence of Ryan, everywhere we met them.

839. Who introduced you to Mr. Ripley?—Jeremiah Ryan, assisted by Mr. Ripley.

840. I will ask you in plain terms; did you accept this money and this employment with the express object of defeating and betraying those who employed you?—Yes, I did, most undoubtedly, and I sent the money to the Bradford Infirmary.

841. I believe you wrote a letter to the newspaper, about the 12th of November, and sent the 5*l.* 15*s.* to the Bradford Infirmary?—Yes.

842. Is that the letter you wrote to the "Bradford Observer" (*handing a paper to the Witness*)?—That is my letter.

Mr. *Overend*.] This is not the way of proving it; I have no doubt it is so; but I would rather like to see the letter.

Mr. *Giffurd*.] Then I withdraw it.

Cross-examined by Mr. *Price*.

843. Who wrote the letter?—I wrote it.

844. Who dictated it; who composed it?—I wrote the letter.

845. Who composed it?—I tell you I wrote it.

846. Who composed it?—You do not catch an old bird with chaff; speak up, if you please.

847. I will ask, my Lord, if that is a proper way to speak to me?—I told him I could not hear him.

848. Who composed the letter?—That gentleman who was employed for Mr. Miall and Mr. Forster.

849. Mr.

849. Mr. Hargreaves?—No.
 850. Mr. Arnold?—No, the law agent.
 851. Mr. Wade?—Yes, Mr. Wade.
 852. When did he compose it?—He composed it a day or so before I wrote it.
 853. Where?—In Mr. Michael Mahoney's office.
 854. Who is Mr. Michael Mahoney?—He is a woolstapler in this town.
 855. Were you present?—I was in the building when it was written.
 856. You were not in the room when he composed it?—No.
 857. Were you sent for to Michael Mahoney's to come and sign this letter?—I learned deliberately —
 858. How did you know you would meet Mr. Wade there?—I went to see Mr. Mahoney there, to take his advice on it.
 859. Take his advice on what?—On what course I should pursue; whether it would be lawful to expose the letter, or not.
 860. Expose what letter?—To write this letter.
 861. Did you expect to see Mr. Wade there?—No.
 862. Did Mr. Mahoney tell you that Mr. Wade was there, and would write the letter for you?—No.
 863. How did you know that Mr. Wade was there?—I saw Mr. Wade there.
 864. Then Mr. Wade advised you upon it?—Yes, I took his advice upon it.
 865. Was Mr. Wade there by appointment before you?—I do not know about that; he was there when I got there.
 866. Who is Mr. Mahoney, and what part did he take in the election?—I cannot tell you that; only he was a staunch supporter of Mr. Wade and Mr. Forster.
 867. And a great friend of yours?—No, no particular friend of mine.
 868. You went to consult him about the law?—He is a countryman of mine.
 869. You went to consult him about the law?—Yes.
 870. Is he a lawyer?—He is a more intelligent man than me.
 871. The letter was composed by Mr. Wade, and then you signed it?—He dictated a letter which he thought would be lawful to put in the paper; he asked me if that would suit me, and I said, Yes; and I re-wrote it myself, and sent it.
 872. Did you buy a watch about this time?—Yes.
 873. Where did you get the money from to buy a watch about this time with?—I had it of my own.
 874. How long had you had it; what did you give for the watch first?—I think it is a bargain; it cost seven guineas, and I got it for three.
 875. When did you buy it?—I bought it on or about that time.
 876. Of whom did you buy it?—The watch was in the pawn-office, and I bought the ticket off a man for a sovereign; afterwards I released it.
 877. I thought it cost you three guineas?—It did, thereabouts; there was 2 *l.* on it in the pawn-office.
 878. You gave 1 *l.* to the man for the ticket; what had you to pay the pawnbroker?—£. 2, and the interest.

879. What were you earning at that time; you said that you were out of employment; where had you any money to get except what you got from Mr. Kitcheman?—As well as being working in a warehouse, I sell tea Friday night and Saturday night, and I can make as much as I do at the warehouse whether I work or play.

880. When had you sold any tea to anybody, on any Saturday night at this time?—I could not exactly say to how many.

881. Tell me one?—I sell about 20 lbs. of tea a-week.

882. Tell me any one, man or woman, to whom you sold 20 lbs. of tea about that time?—I made up the tea in small parcels, in quarters and half-pounds and 2 ounces, and sold it to each family that wanted it.

883. Tell me any family that you sold it to about that time?—I sold to two families of the name of Walches, where I live, in Wild Boar-street.

884. About what time?—I have sold it for 18 months.

885. Between the 12th of November and the 21st?—On the Friday night; every Friday night and Saturday night.

886. I take it between the 12th and 21st of November; tell me anybody whom you sold tea to?—There are two in Wild Boar-street.

887. What time in November did you sell it to them?—On the Friday night.

888. How much did you sell?—I cannot tell you exactly what they take; some weeks they take a quarter of a pound.

889. This time in November, how much did you take for tea?—I dare say it would make perhaps 18 *s.* a-week.

890. What did you take at this time?—One week I would not take much, and the next week I would pull up for it.

891. Have you a license to hawk tea?—Yes, I have.

892. Are you sure of that?—Yes, I am sure of that.

893. Do you mean to swear that you have a license?—I have a license to sell tea.

894. You swear that?—Yes, I swear that.

895. A license to hawk it about; a licensed hawker?—To sell it.

896. You have no tea-shop?—Yes; I sell it at the house.

897. At your own house?—Yes.

898. Have you any license stuck up there to sell tea?—No; I asked the exciseman what would be legal on that point, and he told me, and I acted according to his directions.

899. Where do you buy your tea wholesale to sell it?—I buy some at Mr. Tordoff's and some at Mr. Scott's.

900. How much do you buy at a time?—I have had half a chest at a time.

901. How long before this had you got any quantity of tea?—I used to get half a chest at a time.

902. How long before this had you got half a chest?—I got tea every week.

903. Half a chest every week?—No, not half a chest.

904. How long before this had you got any quantity of tea to go and sell; we can inquire at Mr. Tordoff's about it you know. By-the-bye, are you the gentleman with a conscience?—Yes, I have a conscience; I hope I have.

M. Coyne.

26 January
1869.

905. You mean to say that having got a conscience, you deliberately went to these people to get Mr. Ripley's money, intending to betray him?—Yes.

906. And telling them that you would do a certain work which you intended not to do?—I never told them I would do anything. I never told Ryan who asked me to go there.

907. You gave him a list?—Yes, I did.

908. Was that intended to represent that you had been round to those voters?—Yes, it was.

909. And it was a lie?—It was a lie.

910. And you went there intending to tell lies of that kind?—I went there to comply with orders to a certain extent. I took Mr. Kitchenman upon his word; when he said I had to be directed by Ryan before I made out that list, and I went to Ryan and asked what I was to do. I said I would not go to any man to ask him to change his vote, and Ryan said, "What will any of us do but have to make out a list the best way we can." Consequently I went to the most rampant Miallists I could get, and I got the names of 12 and attached them to the report.

911. Do you represent to be a sample of your countrymen in this town as to conscience?—No; I wish they were all as good as me in conscience.

912. We have got about the letter now; tell us how the money went. How did the money go to the infirmary?—I gave the letter and the money to a man called James Gillan.

913. What was the money in?—It was in gold and silver.

914. You gave it yourself?—Yes, I gave it myself; I put it into his hands.

915. Took it out of your pocket?—Yes.

916. And told him to take it to the infirmary?—Yes; and gave him a letter at the same time.

917. And do you mean to say now that you kept that 5 l. 15 s. by you, a man out of employment, except what you could make by tea, in your pocket, with your conscience pricking you all this time, and sent it back in that way?—No.

918. Where had you got the 5 l. 15 s. from?—I did not mean to say that—

919. Where had you got the 5 l. 15 s. from?—I got it from Mr. Ripley.

920. I ask you do you mean to say that the 5 l. 15 s., which you got from Mr. Kitchenman, you kept by you and then gave it up in that way?—No, I did not mean to say that.

921. Where did you get that 5 l. 15 s. from?—I borrowed that 5 l. 15 s. from this other man.

922. What man?—James Gillan.

923. Borrowed it of him, and gave it to James Gillan to take to the infirmary?—Yes.

924. Who is James Gillan?—He is an Irishman, in the town; he works at Maurice Goggin's.

925. Where does he live?—I do not know where he lives; he works at Mr. Goggin's.

926. Is he a friend of yours?—Yes; he is a friend of mine.

927. Had he ever lent you any money before?—No; we have drunk together.

928. Do Irish people, when they drink together, lend one another 5 l. 15 s. in this way?—I think it is possible for an Irishman to have 5 l. 15 s. to lend to another man.

929. What is he by trade?—He is a clerk.

930. What kind of a clerk?—Something in a shop; bookkeeper at Mr. Goggin's, in the Market-place.

931. You borrowed from him, and you had every reason to believe it was his money?—It did not matter to me whose money it was.

932. Was he a voter for Miall?—I do not know whether he was or not.

933. Which side was he in politics?—He was a supporter of Mr. Miall's.

934. Where did you borrow it of him; where was he when you borrowed it of him?—I forget now rightly where it was I got it of him.

935. Was it in gold or a note?—Gold and silver.

936. Have you paid him back?—No, not yet, I have not.

937. Does your conscience prick you at all about that?—Yes.

938. Were you employed ever as a canvasser for Mr. Ripley?—No; never.

939. Were you never discharged because you would not do your work?—No; never.

940. Will you swear that?—who from?

941. By Ryan, because you would not do your work as canvasser?—No; certainly not.

942. You swear that?—I swear that most distinctly.

943. Do you know a man of the name of Clarke?—Yes; John Clarke.

944. He has something to do with the Liberal Association, has he not?—I know nothing what he has to do, except I know he is an Irishman.

945. Do you not know that Gillan got that 5 l. 15 s. from Clarke, and gave it to you?—I know nothing about it.

946. You swear you do not?—Yes; I swear I do not.

947. You never heard of it?—I never heard of it before now.

948. Is there not an understanding that you were never to pay that 5 l. 15 s. back again?—No; there was never anything of the kind.

949. You owe it now to Gillan?—Yes.

950. Did you give him any acknowledgment?—No; nothing.

951. It is left to your conscience?—Yes; it is left to my conscience, and he shall not be deceived.

952. Are you what is called the captain in the town now?—No.

953. Or captain of the town?—No; I never knew anything about it.

954. A head centre?—Ask me if I am a robber.

955. Are you a head centre?—A head centre of what?

956. You know?—No, I do not know anything at all about it.

957. You never heard the word head centre, and do not know what it means?—Yes; I know.

958. Are you a head centre?—No; certainly not.

959. Are you what is called a captain?—No; I am not.

960. Are you in any employ now?—No, not now.

961. Are you a centre?—No, I am not a centre; but if I was, I would not be ashamed of it.

962. I should be surprised to find anything you are ashamed of; you are not in employment now; have you been in any employment what-
ever

ever since the election?—Yes; I was in employment since the election.

963. Whose employ?—Leo Schuster, Brothers & Co.

964. How long?—I cannot tell exactly how long; it might be a week, or a fortnight.

965. It might be a month?—It might be a month, or it might be a few days.

966. Will you swear it was more than a few days?—I can very soon ascertain.

967. What have you been living upon since the election; what have you had to live upon?—I have had a few days work, and I have had the tea.

968. What did you get for the few days?—Six shillings and sixpence a day is the rate of pay.

969. How many days?—I cannot tell how many days.

970. Will you swear you had two days?—Yes; I had two days.

971. Had you a week's work?—I dare say I had three weeks' work, or a fortnight, however.

972. Will you swear you had more than three days work?—I am not accustomed to take oath to what is not true.

973. How long have you had the tea to live upon?—I had the tea to live upon up to a fortnight since.

974. How much have you sold since the election?—I cannot tell.

975. What profit do you make upon a pound of tea?—I cannot exactly say; there are different prices.

976. Did you buy any earrings at all during the election?—No; I did not.

977. Nor since?—No; nor since.

978. You never said so, did you; you never boasted of it at Leo Schuster's?—Yes; but I was not on my oath then.

979. You say that you went down and you saw Mr. Ripley, and assisted by Mr. Little, they managed to get you introduced to Mr. Ripley?—I was introduced by Ryan, assisted by Mr. Little.

980. Did you say to Mr. Ripley, that having now heard Mr. Ripley, you were perfectly satisfied, and would do all in your power to support him?—On my oath, I never said I would do anything to support him.

981. I ask you again?—I said I was perfectly satisfied with the answers he gave me; but I never promised him, nor no man living to support him.

982. Did you tell Mr. Ripley that you were perfectly satisfied?—Yes.

983. With what he said to you?—Yes.

984. And you would do all in your power to support him?—No, nothing of the kind, bad, good or indifferent, to any man. I defy a man to prove it—I told him distinctly I would never assist him, because it was against my conscience.

Re-examined by Mr. Metcalfe.

985. My learned friend asked you whether you were a centre, or anything of that sort—have you great influence amongst the Irish people?—I have a certain amount of influence, I dare say.

986. Did Mr. Kitcheman, and Jeremiah Ryan in particular, know that?—Yes, because after I said in support—

987. Was it in consequence of that, that Jeremiah Ryan found you out and engaged you?—Yes, according to his own account, at Mr. Kitcheman's solicitation—at his asking.

[The Witness withdrew.]

WILLIAM LOOBY, sworn; Examined by Mr. Metcalfe.

988. Do you live at 44 Craven-street, Wapping?—Yes.

989. Are you a voter on the register of the East Ward?—Yes.

990. Did you vote at the last election for Mr. Ripley?—Yes.

991. On the 9th of November did you meet Mr. Edward Kitcheman?—Yes.

992. Were you with James Corcoran, John Young, and Patrick Dwyer?—Yes.

993. Was that near the Three Tuns?—No; it was at the bottom of Queen's Gate.

994. Did you say anything to Mr. Kitcheman?—Yes.

995. What was it?—To tell him we were canvassing for Ripley, and we asked him for some money to treat our friends when we would meet them.

996. What did he say?—He told us he dare not give no money since Michael Coyne's letter.

997. That was a letter in the paper—had you seen the letter in the paper?—No, I did not.

998. What then did he say?—He told us that he understood that Jeremiah Ryan gave money, and he told us Ryan might be at Mr. Blake's, under the New Exchange.

998*. That is what is called the Exchange vaults?—Yes; we left Jeremiah Ryan and Mr. Kitcheman about six o'clock in the evening, on Bolton-road, and when Mr. Kitcheman saw us

going to Jeremiah Ryan he went away from us about 20 yards.

999. Had Mr. Kitcheman been with you up to that time?—No.

1000. Did you see him with Ryan, or what?—Yes.

1001. Where were they coming from?—They were coming from James Muller's.

1002. Is that the "Harp of Erin"?—Yes.

1003. Then Mr. Kitcheman went away—what did you do?—We told Jerry Ryan that Mr. Kitcheman sent us to him for money, and he gave us half-a-sovereign each of us.

1004. Did you say anything about who you were, or what you were?—Not at that time.

1005. Did you say whether you were voters or not?—He knew we were voters; we told him we were voters before that.

1006. He gave you that—then what took place?—We parted from him at that time, and we met him on the 10th, and he gave me and John Young and Patrick Dwyer a half-a-crown between us three, and on the 14th Ryan went to the "Bricklayers' Arms," and he came into the committee-room of Mr. Ripley's, and he called me over to him to sign my name in his book.

1007. Did you do so?—Yes.

1008. Did you write your name in his book yourself?—Yes.

1009. What sort of a book was it?—It was like

M. Coyne.

26 January
1869.

W. Looby.

W. Looby.
26 January
1869.

like one of those on the table—it was a large book.

1010. You signed your name in it—did Ryan keep the book?—Yes.

1011. What did you sign your name there for?—Because he asked me.

1012. Did he say what you were to be, or what you were to do?—No.

1013. Having signed your name what then took place?—He called me out into the back yard of the “Bricklayers’ Arms,” and he gave me a sovereign.

1014. Did he say what you were to do with the sovereign, or why he gave it you?—I was to do what I like with it.

1015. Did he say why he gave it you?—He gave it to me vote for Mr. Ripley.

1016. Mr. *Overend*.] Did he say so?—No, he did not.

1017. Mr. *Metcalfe*.] What did he say?—He told me that I was to vote for Ripley, and do all that lay in my power to get him into the House of Commons.

1018. When was that—was it just before he gave you the sovereign, or after he gave you the sovereign?—Both before and after.

1019. Then, what took place after that?—He left us then.

1020. Where did you go to?—I went into the committee-room again.

1021. Was this at the “Bricklayers’ Arms”?—Yes.

1022. What was going on in the committee-room?—Drinking and smoking—ale and tobacco.

1023. What was the liquor brought in in—glasses or jugs?—It was brought in in half-gallon pitchers.

1024. Many of them?—One at once—sometimes two.

1025. And were they often re-filled?—Yes, as often as they were empty.

1026. How many people were there there?—Sometimes from nine to 10, and up to 16, and so on as far as 20.

1027. Did you see anybody pay for it?—No.

1028. Do you know who gave the order for the beer, and so on?—Our chairman gave orders for the liquor.

1029. Who was the chairman?—James Tidswell.

1030. Was that the only night you had seen drinking and that sort of thing going on there?—No.

1031. How many nights had you seen it—that was the 12th of November, I think—were you often there before the election took place?—Yes, I attended it regularly.

1032. Did that take place every night?—Yes.

1033. Did you ever see anybody pay for the beer that was brought in?—No.

1034. Or anything that was brought in?—No.

1035. Was there as much brought in as you wanted?—Yes, as much as we required.

1036. Was there any distinction made between the voters and those that were not voters?—No, very little.

1037. Were there other voters there besides yourself?—Yes.

1038. Did they have this refreshment as much as they liked?—Yes.

1039. Was there any other place where refreshments were to be had besides this “Bricklayers’ Arms.”

1040. Where?—At the “Union Cross.”

1041. Was that a committee-room?—Yes.

1042. Were there refreshments going on in the same way there?—Yes.

1043. Was there anything besides beer?—There was potatoes and beef and bread; there was supper one night in my time.

1044. How near was that to the election?—It would be about eight or nine days from the election.

1045. And the other nights only beer, was that so?—Beer and tobacco other nights.

1046. Did you see anybody pay for it at the “Union Cross”?—No.

1047. Were there voters besides yourself there also?—Yes.

1048. Who ordered there?—Emanuel Teale; he was chairman, and he ordered it.

1049. And at any other public-house?—Yes, at the “Oak Inn.”

1050. Was there beer to be had there?—Yes.

1051. Anything else besides beer?—And tobacco.

1052. Any eating?—Yes, I had some eating in the morning of the election.

1053. What was to be eaten there on the morning of the election?—I had some beef sandwich and a cigar.

1054. And the beer that you speak of; was it only once or was it going on every night?—I was not there every night; I was only there one night, and upon the morning of the election.

1055. And when you were there the beer was going, was it?—Yes.

1056. Who ordered the beer at the “Oak”?—William Crowther.

1057. Was there any other place that you speak of, besides those three?—Yes; I was at the “Friendly Inn” two nights.

1058. Was beer going there?—Yes.

1059. Anything besides beer?—And tobacco.

1060. Anything besides beer and tobacco?—There was a little raspberry wine.

1061. I should think very few people drank it?—There was a few.

1062. Who ordered those things there?—The chairman, I suppose.

1063. Mr. *Overend*.] Did you hear him do it?—No, I did not.

1064. Mr. *Metcalfe*.] Did anybody pay for it?—No, not that I saw.

1065. Did you pay anything?—No.

1066. Were there other voters there as well at the “Friendly Inn”?—Yes.

1067. Was beer brought in, in half-gallon pitchers or not?—Half-gallon pitchers.

1068. Was it generally in half-gallon pitchers?—In my time it was.

1069. Did they sometimes get as far as a gallon; have you seen gallon pitchers brought in too?—I will not say for that.

1070. Have you told us all the places that you went to; you have mentioned four?—I have been in none, only those.

1071. You say you had breakfast on the polling-day at the “Bricklayers’ Arms”; were there many other voters there besides you, who had breakfast?—I had not breakfast on the polling-day at the “Bricklayers’ Arms;” it was at the “Oak Inn.”

1072. Were there many other voters besides yourself, who had something for breakfast there on the polling morning?—Yes, there would be about half-a-dozen there besides me.

1073. Were

W. Looby.
26 January
1869.

1073. Were there others besides voters there?—I cannot say for that.

1074. What time was your breakfast there?—Half-past six.

1075. Then did you go up to the poll directly after breakfast, and directly you could register your vote?—Yes, I went to the poll at eight o'clock, but I did not vote.

1076. What time did you vote?—About half-past three in the afternoon.

1077. Did anybody go up from the "Oak Inn" to the poll with you but those who breakfasted at the "Oak"?—Yes, there was one man went with me.

1078. Did the chairman or anybody from the committee go up with you?—There was one man went up with us; he was a voter.

1079. Did you go straight from the "Oak" Inn to the poll?—Yes.

1080. I am not quite sure that I got from you the date when that sovereign was given you?—On the 14th of November.

1081. That was on the Saturday before the election?—Yes.

1082. On the nomination day, the Monday, was there anything going on at the "Bricklayers' Arms"?—I had my dinner there on the nomination day.

1083. Were there other voters who had their dinner there too on the nomination day?—Yes.

1084. About how many, do you remember?—There was one voter besides me.

1085. Did you pay anything?—No.

1086. I suppose you had beer with your dinner too?—Yes.

Cross-examined by Mr. Overend.

1087. As I understand you, the first time you met Mr. Kitcheman near the "Three Tuns" was on the 9th of November?—Yes.

1088. You are quite clear as to the date?—Yes; I am quite clear as to the date.

1089. You are quite sure that the day was the 9th of November?—Yes.

1090. There is no mistake about it?—No.

1091. You are quite sure that on that 9th of November he told you that he could not and are not give any money on account of Coyne's letter?—Yes.

1092. Now, my friend, I will tell you that that letter was not published till four days afterwards?—That was the reply I got from Mr. Kitcheman.

1093. It is dated the 12th of November; it is published in the paper of the 13th of November.

Mr. Giffard.] As a matter of fact, it was not put in upon your objection; you may have it in if you like; it was objected to and withdrawn.

1094. Mr. Overend (to the Witness).] Supposing this letter to bear date the 12th of November, how do you explain this: you say he told you that it was in consequence of Coyne's letter; if it were written on the 12th of November, how do you explain that, if this which you talk about was the 9th, three days before?—That was the answer that I got that he dare not give any money since Michael Coyne's letter.

1095. But he could not have said that if Michael Coyne had not written his letter?—That is what he said.

1096. You still stick to that?—Yes.

1097. About the drinking; you were a voter, were you?—Yes.

1098. And you voted?—Yes.

1099. When you were asked to do the work that you were asked to do, were you not told by Ryan that you must not vote?—No.

1100. Did nobody tell you that you were not to vote?—No.

1101. Did you not know that, if you were employed as a canvasser, you could not legally vote?—I was not employed as a canvasser.

1102. Did you not know that it was not lawful for you to vote if you were employed in any way as an agent for Mr. Ripley?—Could not I canvass for him and vote?

1103. No; if you do you are liable to be imprisoned?—I did canvass for him.

1104. But were you not told at the time when you were asked to canvass for him, that it would not be lawful for you to vote;—No, I was not.

1105. Did you not know that you could not legally vote for him after you had been canvassing?—No, I did not.

1106. With respect to this drinking, you say there was drinking and smoking at the "Bricklayers' Arms" on the 14th of November?—Yes.

1107. And who ordered it, do you say?—James Tidswell, the chairman.

1108. Did you hear him give the order?—Yes, I did.

1109. And what did you hear him say?—He told them to bring it in.

1110. What did he order in?—Ale and tobacco.

1111. How much?—As much as was required.

1112. How much did he order?—Half-a-gallon at once.

1113. Whom did he speak to?—To the landlord.

1114. What is the name?—Robert Halton.

1115. Then he said to Robert Halton, "Bring half-a-gallon"?—Yes.

1116. You say there were several non-voters as well as voters?—Yes.

1117. How many non-voters were there?—I cannot exactly say.

1118. Were there quite as many non-voters as voters?—No; there was more non-voters than voters.

1119. There was no distinction, then; you all got it whether you were voters or non-voters?—No; there was no distinction.

1120. Then, the persons who got money, had they all been employed in the same way as you had?—I do not know.

1121. But they might have been?—Yes, for anything I know.

1122. With respect to the "Union Cross," were they also non-voters as well?—There was non-voters there as well.

1123. And they got refreshment also?—Yes.

1124. And the "Oak" Inn?—Yes.

1125. Are you quite sure that James Tidswell gave the order to the landlord?—Yes.

1126. If I tell you that the landlord was in bed, would you still say so?—He was not always in bed.

1127. Was he ill?—No, not always.

1128. Was he at that time ill?—No.

1129. Did you hear James Tidswell give the order on the 14th of November to William Halton for beer on that day?—Yes, I did.

1130. You stand to that?—Yes.

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1131. At

W. Looby,
—
26 January
1869.

1131. At the "Union Cross" do you know whether they were persons who had been engaged by Mr. Ripley to go about and do their best for Mr. Ripley?—They were engaged by Mr. Kitcheman.

1132. The persons who got this refreshment were persons engaged by Mr. Kitcheman, were they?—Yes.

1133. And were the persons at the "Oak Inn" persons who had been engaged by Mr. Kitcheman also?—I do not know.

1134. Were they non-voters as well?—Yes, non-voters and voters.

1135. And at the "Friendly Inn" also?—Yes, at the "Friendly Inn" also.

1136. At the "Bricklayers' Arms" also?—Yes.

1137. That other man who was there, was he a person who had been engaged with you; you said that on the nomination day you dined at the "Bricklayers' Arms," and there was another man with you that voted?—Yes.

1138. Was he a person who had been employed also for Mr. Ripley?—Yes.

1139. Then they knew you at the "Bricklayers' Arms" as a person engaged in the cause?—Yes.

Re-examined by Mr. Metcalfe.

1140. My learned friend seemed to assume that you were employed; were you employed for any purpose, either by Mr. Kitcheman or by Ryan, to do anything; had you any work to do?—I was employed by Mr. Kitcheman.

1141. What did he tell you to do?—By canvassing.

1142. What did he tell you to do?—He told me to canvass for Mr. Ripley, and do all I could, and I should be right.

1143. Did he tell you anything about payment?—No.

1144. Did you get any payment whatever, excepting £1 that you have spoken of, which was given you by Jerry Ryan?—No, I only got what I got from Jeremiah Ryan.

1145. Which was got on that Saturday before the election?—Yes, £1 10s.

1146. Did you send in any account for canvassing to Mr. Kitcheman or anybody; did you send in any letter?—Yes, I sent in my name to Mr. Terry.

1147. Did you put it on paper at all?—It was drawn on the paper, but I did not write it.

1148. Did you receive anything from Mr. Terry or anybody?—No, only Jeremiah Ryan.

[The Witness withdrew.]

PATRICK DWYER, sworn; Examined by Mr. Mellor.

P. Dwyer.

1149. Do you live at no 23, Craven-street, Wapping?—Yes.

1150. You are on the register of voters for the East Ward?—Yes.

1151. On the 9th of November did you go and see Mr. Kitcheman?—Yes.

1152. Did you see him?—Yes.

1153. Where did you see him?—At the back of the Exchange.

1154. Did he give you any directions?—Yes.

1155. What did he tell you to do?—He asked us if we knew Jerry Ryan, and we said yes; he told me he had heard that Jerry Ryan gave brass away, and that we had to go to him for it, and if he gave us no brass we were to come back to him again.

1156. What did you do upon that?—We were seeking Jerry Ryan for upwards of five hours; we found him, and Mr. Kitcheman with him, in Bolton-road.

1157. Who were you with when you saw Jerry?—With William Looby, John Young, and James Corcoran.

1158. Was anybody with Ryan when you met him?—There was Mr. Kitcheman and those people walking on the road.

1159. Did Ryan give you anything?—We told him that Mr. Kitcheman had sent us to him, and he said he had now't to do with it, because we was not on his committee; so he put his hand in his pocket and pulled four half-sovereigns out, and gave us one a-piece.

1160. After this, on a Saturday, did you and James Corcoran go to Ryan again?—Yes.

1161. What did you go to him for?—We went to him, as he told us to go to him on Saturday, for this brass; he said he would see us right on the Saturday.

1162. What did he give you on the Saturday?—He gave us £3; 30s. a-piece.

1163. Mr. Overend.] Was that the Saturday before the election?—Yes.

1164. Mr. Mellor.] Did you vote?—Yes.

1165. Whom did you vote for?—For Mr. Ripley.

1166. Before you voted, had you said anything to Mr. Kitcheman about it?—Yes; me and James Corcoran met him at the "Union Cross," and stopped him at the door as he was going out; we asked him how it would be if we voted, and he said we had to go and vote; he would see us all right, and we would be all right, and we would be well satisfied.

1167. Who said that?—Mr. Kitcheman.

1168. Where was it that he said that?—At the "Union Cross."

1169. Who were there besides yourselves?—James Corcoran.

1170. Was anybody else, at the time he said that, at the "Union Cross"?—There was lots inside, but we was outside in the passage.

1171. Did he say any more at that time?—No, he went away.

1172. Did he say any more to you about it, on any other occasion before the election?—He kept coming to us frequently, and telling us to go on and work hard for Mr. Ripley; we would be all well satisfied and well done to all right.

1173. Did he say anything about Mr. Ripley?—He said Mr. Ripley had plenty of money; we were at the right side; he was not particular to 30,000 £. or 40,000 £.; he said 10,000 £. or 20,000 £. was not in his road.

1174. Did Ryan give you anything besides what you have told us; did you get any more?—I met him on the Monday, and he gave me and James Corcoran a shilling a-piece.

1175. Was that the Monday before the election?—No; the week before the election, on the Tuesday;

P. Dwyer.

26 January
1869.

Tuesday; me and John Young and Bill Looby, we met him, and he gave us half-a-crown.

1176. When was that?—On the Tuesday night.

1177. Mr. Baron *Martin*.] How many times did you get money from him altogether?—Five times; I got 2*l.* 4*s.* out of him.

1178. Mr. *Mellor*.] Before the election, were you in the habit of going to the “Union Cross”?—Yes.

1179. How often did you go to the “Union Cross”?—Every day and every night.

1180. What did you do at the “Union Cross”?—We went there and sat down; sometimes they went out canvassing some of them, and when they was not canvassing they were drinking ale and porter, and smoking tobacco.

1181. Did that go on every night at the “Union Cross”?—Every night; the last fortnight they met every night at 7 o'clock, and they went on drinking and smoking up to 11.

1182. Did you pay for it?—No, it was all for nowt; I was standing at the door one night, and Mr. Kitcheman went to the bar to the missus, and the missus told him she did not know what to do, and he said, “It is getting too late now, you must let them go on; you must not stop them.”

1183. How many people were there generally at the “Union Cross”?—Sometimes 10, sometimes 17, sometimes 20, and so on.

1184. Did they all have as much as they wanted?—Yes, they all had as much as they wanted; they had a sandwich every night for the last fortnight.

1185. Sunday as well?—They did meet there on Sunday; they met there about 8 o'clock on Sunday night and went on drinking, and they were getting rather drunk some of them.

1186. Who was chairman at the “Union Cross”?—Emanuel Teale.

1187. Did you ever go to the “Friendly Inn”?—Yes.

1188. How often did you go to the “Friendly Inn”?—Perhaps four or five times.

1189. What went on at the “Friendly Inn”?—They were just drinking, when I was there, the same as at the “Union Cross.”

1190. Did you ever pay for anything at the “Friendly Inn”?—No, I never paid for anything, as I was not drinking, but what I called for I might get.

1191. Who was the chairman there?—Patrick Darcey.

1192. Did you ever go to the “Oak Inn”?—Yes.

1193. And what was going on there?—They were drinking there the same way.

1194. How many people did you see in the “Oak Inn” drinking?—I have see 14 or 15.

1195. Did you drink yourself at the “Oak Inn”?—I did not drink none; I am a teetotaller, and I drink pop.

1196. Did you pay for the pop?—No, I got it for nowt, and much more if I could drink it.

1197. Was there anything besides ale; was there tobacco there?—Yes, plenty of tobacco.

1198. On the polling day where did you get your breakfast?—At the “Union Cross.”

1199. Did you pay anything for it?—No.

1200. What time did you have your breakfast in the morning?—About 6 o'clock.

1201. Where there any other persons breakfasting there at the same time?—Yes.

28.

1202. How many?—I believe there was about eight of us in.

1203. What had you for breakfast at the “Union Cross”?—We had some beef and cake.

1204. And what else?—Ale; anyone that wanted it.

1205. Did you go up from the “Union Cross” to the polling booth?—No, when I went to the polling booth, I went from the “Union Cross.”

1206. You went to the “Union Cross” before you went to the polling booth?—Yes.

1207. Who went with you to the polling booth?—John Reed, Andrew Mahoney, John Young, and James Corcoran.

1208. Did you see Mr. Kitcheman on the morning of the poll?—I saw him about 10 o'clock, I believe.

1209. Were there many people with him?—When I met him there was no one with him; he was coming on but in the morning the first thing, and this would be about 1 o'clock, Mr. Kitcheman and happen 20 people were walking about the street; they were knocking at all the doors, calling all the people up, going all round from one house to the other; this was to get them up ready for to go.

1210. On Saturday, the 14th November, did you and Looby meet Mr. Kitcheman on the Otley-road?—Yes.

1211. Did you ask for anything?—Yes.

1212. What did you ask him for?—We asked him for some money.

1213. What did he say?—He said he durst not give us money to have a glass of ale, but if we could borrow any brass he would see us right when the election was over.

1214. After the election was over, did you go and see him?—Yes, we went to see him.

1215. How long after the election was that?—I cannot rightly say to a day or two; a week or so.

1216. When you saw Mr. Kitcheman after the election, what took place?—I went into the house, and there was William Hopkinson belonging to the “Union Cross,” and there was four of them. I got in, and William Hopkinson wanted brass for his voters. When I went into the room Mr. Kitcheman and him was talking. Mr. Kitcheman said he thought all things would be right as soon as these petitions would get settled. I said that I would tell everyone that I knew that had got any brass. He tapped me on the shoulder and told me to take my time, and it would be all right.

1217. Mr. Baron *Martin*.] You had 2*l.* 4*s.*; did you want more than that?—I was agait six or seven weeks; he kept telling me it would be all right, and to go on.

1218. How much did you expect?—I expected for the time I was agait.

Cross-examined by Mr. *Overend*.

1219. What were you agait at?—Canvassing.

1220. Then you were canvassing for seven weeks and you got 4*l.*?—No, 2*l.* 4*s.*

1221. Did you think you ought to have more, or were you satisfied with your money?—I thought I should have more.

1222. You have been talking about this; did they not tell you that if they employed you as a canvasser you could not vote?—No.

1223. Nobody?—No.

1224. Did

P. Dwyer.
26 January
1869.

1224. Did you not ask for books and pencils to go out canvassing?—I never asked for none.

1225. Were you supplied with any?—Sam Enoch, the agent, was with them, and they were to go with him.

1226. Do you know that gentleman there (*pointing to Mr. Marshal Hanby*)?—Yes.

1227. Did you apply to him for a canvass-book?—The last fortnight we did.

1228. Did you apply to him for others?—No; Sam Enoch applied to him.

1229. And you were with him?—Yes.

1230. And you did go and canvass about?—I went with Sam Enoch.

1231. You were canvassing those Irish voters; are you an Irishman?—Yes.

1232. Had you not a book and pencil given to yourself?—A book and pencil were of no use to me because I could not write.

1233. Were they given to you notwithstanding; did not Mr. Hanby give you into your hands a book and a pencil?—No.

1234. Mr. Hanby is there; take care what you say?—No, he gave me no pencil, nor book neither.

1235. Did you ever tell Mr. Hanby you could not write?—Yes.

1236. Are you sure about that?—Yes.

1237. It was foolishness altogether for him to give you a book if he knew you could not write?—I told him that Sam Enoch and me would go together, because I could not write.

1238. Did you and he make reports to Mr. Hanby of what you had done?—No.

1239. Did not you yourself make reports to Mr. Hanby of what you had done?—No.

1240. Never?—No.

1241. At Eastbrook House; have you never at Eastbrook House come to Mr. Hanby alone, not in company with those other men, and reported to him what you had done?—No, I was never with Mr. Marshal Hanby myself alone.

1242. Did you bring names on pieces of paper?—Sam Enoch brought them, but not I.

1243. Did you?—No.

1244. Never alone?—No.

1245. You say you and Looby, and Young and Corcoran, on the 9th of November, met Mr. Kitcheman?—Yes.

1246. You are sure it was the 9th of November?—I cannot really know the day, but I think it was; it was on a Monday.

1247. On the Monday week before the election?—Yes.

1248. And what did he tell you; did he say anything about a letter?—Yes.

1249. What did he say?—He said he dare not, since Coyne's letter, give us nowt.

1250. That you say was on the Monday week before the election?—Yes.

1251. Are you sure about that?—Yes.

1252. It was not the Monday before the election, but the Monday week before the election?—The Monday week before the election.

1253. He told you then about Coyne's letter?—Yes.

1254. You are quite sure about that?—Yes.

1255. You say that when you went up to Ryan and told him that Mr. Kitcheman sent you, he said he had nothing to do with you, but gave you each half-a-sovereign; what did he give you each half-a-sovereign for?—He said we was not on his committee.

1256. What did he give you anything for if

you were not on his committee; why did he give you anything at all?—He gave it to us to vote for Mr. Ripley.

1257. Did he say anything about what you were to do?—He said we were to go and put our names down on his committee, and he would see that we were right.

1258. Is that what he said, that you were to put your names on his committee?—Yes, and that he would see us right.

1259. Did not you give your names in to Mr. Kitcheman in connection with three men named Looby, and Charles Riley, and James Corcoran, and did not you say it was better you should all go in a body, the four together; it was safer?—No; we said the four could go together, and William Looby said that that would be too much for one book, and Mr. Kitcheman said, No matter if there was six to a book, so much the better.

1260. How long were you engaged to canvass after you had given in your name to Mr. Kitcheman?—We were agait 10 days.

1261. Were you engaged six weeks?—We had been engaged six weeks; then they took the books and gave them out again fresh again, and took all the other books in when we were engaged 10 days.

1265. You were engaged altogether about six weeks?—Six or seven weeks; I cannot rightly say to a week.

1263. With respect to this; are you sure you were never told that if you were employed as a canvasser, you were not entitled to vote at all?—No, I never was.

1264. Did not you apply to Mr. Kitcheman for wages for what you had done?—No, we never asked him for any wages at all.

1265. Had you been canvassing for him before you applied to Mr. Kitcheman?—Yes.

1266. Having been employed to canvass before you applied to Mr. Kitcheman, I ask you again, Did you not ask him to pay you for what was due to you?—No.

1267. Did he not say no, it was not him that was to pay; you must go to Ryan?—He said he dare not give us since Coyne's letter; he asked us if we knew of Coyne's letter; he said Ryan had done such things.

1268. What do you mean by such things?—Gave brass, and if he did not give us any we were to come back to him again.

1269. And you were to have brass for going canvassing the people on the other side; Mr. Kitcheman never spoke to you about your vote at all; he merely asked you to work as well as you could for Mr. Ripley?—Yes; work for Mr. Ripley and vote for him.

1270. Do you mean to say that he said a word about voting?—Yes, many times he asked me to vote for Mr. Ripley, and no one else.

1271. In whose presence did he say that?—There was James Corcoran there; John Young, William Looby, me, and several people besides.

1272. And you say that was when he asked you for your vote, do you?—Yes, he asked me to vote for Mr. Ripley, and no one else.

1273. You were to do your best to get votes for Mr. Ripley?—Yes, we were to do our best to get votes for Mr. Ripley, and to vote for him ourselves.

1274. Were you all voters, you, this man Looby, and Young, and so on?—Yes.

1275. Did they all vote?—Yes.

1276. Every

1276. Every one of them?—Yes.

1277. Did you go up with them to vote?—No, I went with one of them, James Corcoran.

1278. Mr. Baron *Martin*.] What o'clock did you vote?—As soon as the door was opened we went in.

1279. Mr. *Overend*.] At eight o'clock in the morning?—Yes.

1280. You were one of the first voters?—There may be happen 50 or 60 before me.

1281. But you were very early in the morning?—Yes.

1282. About this drinking; were all the men that were canvassing about there in the public-houses drinking?—Yes.

1283. They were all canvassers; every one that was there was a canvasser?—There was a room for them to go in, and when they got into the room they were welcome to drink as long as they liked.

1284. Those were canvassers?—Yes.

1285. That was in the committee-room?—There was plenty drinking there that was not canvassers.

1286. There was no distinction made between voters and non-voters?—No, voters and non-voters alike.

1287. Were there a good many non-voters there?—Very fair.

1288. What is your name?—Patrick Dwyer.

1189. Did you ever tell Ryan that you had been canvassing for five or six weeks, and you wanted to get more?—I told him I had been engaged for five or six weeks.

1290. Did you tell him you had been canvassing for five or six weeks?—I told him I had been canvassing for four or five weeks.

1291. Did you not ask him how a person in your situation could be likely to be going on canvassing without being paid for it?—Yes.

1292. You told him you must be paid for it?—I did not tell him I was forced to be paid for it, but I said we could not go on without getting some money.

1293. You say you were a voter; what name did you go under at the time you were engaged?—Patrick Dwyer.

1294. Have you ever gone under any other name?—No; my name were put Patrick Dwyer.

1295. Have you ever gone under any other name than Patrick Dwyer; they call me another name about the street; Patrick Cowdy.

1296. Is that the name you go by?—No, I go by the name of Dwyer.

1297. Are you known amongst your friends as Cowdy?—Yes.

1298. Mr. Baron *Martin*.] Is that your mother's name?—Yes, my mother's name.

1299. Mr. *Overend*.] Were you not known to Ryan as Cowdy?—I do not know whether I was known to Ryan or no.

1300. Did he not call you Cowdy when he spoke to you?—Yes.

1301. Did not Mr. Kitcheman speak to you as Cowdy too?—No, he called me Dwyer.

1302. Did he call you Cowdy?—If he called me so, I never heard him; never, to my knowledge.

1303. Do Corcoran and your associates always call you by the name of Cowdy?—Yes.

1304. And you pass by that name?—Yes.

1305. Have you a father called Patrick Dwyer, in Craven-street?—No.

1306. Is there no Patrick Dwyer but yourself in Craven-street?—No.

28.

1307. What is it you live in?—I live in 48.

1308. Is it a house you live in?—Yes, it was a house I lived in then.

1309. Had you a father at that time?—No.

1310. Did you ever tell Ryan that you had a father living there, and that it would influence him?—No.

1311. You say all this drink was going on, and Ryan had ordered things, and so on; had you seen him?—I do not know what Ryan ordered; I never saw Ryan order nowt.

1312. Was he present when the drinking was going on?—No, he was not with them.

1313. Was Mr. Kitcheman there?—Yes, many times.

1314. You said you asked Mr. Kitcheman for money, and he said he dared not ask you in; but if you could borrow the money, he would see you righted after the election?—Yes.

1315. This was the man that was supplying food and drink, and those kind of things, to all those people all the time?—I do not know whether he was supplying them or no.

1316. That was the man who said 40,000*l.* was no object to Mr. Ripley?—He said Mr. Ripley had plenty of money; we were at the right side, and so on, and it would be all right.

1317. Still, for all that, he told you he dare not ask you into the house, and you would have to borrow the money if you spent it?—Yes, he said if we could borrow the money he would see us righted after the election.

1318. You were agait, you say, altogether about seven weeks?—As near as I can tell you.

Re-examined by Mr. *Giffard*.

1319. You say you voted early in the morning, with a number of others?—Yes.

1320. Did you see Mr. Kitcheman early that morning?—Yes, I seen him, perhaps, about one o'clock in the morning, as near as I can tell you.

1321. From that time to the time you voted, were you going about the place?—I went about happen one hour.

1322. What time were you up in the morning?—About two o'clock.

1323. You saw Mr. Kitcheman at one; did you see Mr. Kitcheman in his sleep, or was Mr. Kitcheman with you at the public-houses?—I went home and went to bed after I had left Mr. Kitcheman.

1324. What time did you get up in the morning?—We should have stopped up all night.

1325. I do not ask you what you should have done, but what did you do?—I went to bed about 11 o'clock, and then I got up about half-past 12 or so.

1326. Did you see Mr. Kitcheman about one o'clock?—About one or two o'clock; I cannot say to an hour.

1327. Did you go to bed again, or remain up all night?—I went home when I left Mr. Kitcheman, and went to bed, and then I came down about five o'clock to the "Union Cross."

1328. What did you get there; did you get anything to eat and drink?—Yes, we got some beef and cake, and sandwiches.

1329. Were there others there besides you?—Yes, about eight.

1330. Did you go to the poll together?—There was four or five of us went together.

1331. And did you plump for Mr. Ripley?—Yes.

1332. When did you last see Mr. Kitcheman that

P. Dwyer.

26 January
1869.

P. Dwyer.
26 January
1869.

that morning?—I left him at the "Masons' Arms," I think they call it.

1333. About what time was that?—I cannot rightly say.

1334. About when; I don't mean exactly?—It may be happen four o'clock or so; I cannot rightly say what time it was.

1335. Had you been with him to any other house besides the "Masons' Arms"?—Yes.

Mr. Baron *Martin.*] He said they were employed in knocking up the voters.

Mr. *Giffard.*] Would it be convenient if I should put in the papers that have been given to me. The gentleman, Mr. Terry, is here, and the witness speaks to particular sums?

Mr. Baron *Martin.*] Yes.

Mr. *Giffard.*] Then I now put in the papers he has given me with reference to the "Union Cross." The first is the following:

16 District, East Ward, Union Cross Inn,
Wapping Road.

To refreshments, from September 16th to November 19th, 1868, for Committee, &c., the sum of
43*l.* 15*s.*

(signed) *Wm. Hopkinson*, Landlord.
E. Teale, Chairman.

(L.s.) *S. Ainsworth*, Secretary.

Paid, £. 20 14.

12 January 1869. (signed) *J. Mellor.*

Then there is this document:

Hopkinson's Account—*continued.*

	£.	s.	d.
Nov. 9th	-	-	2 - -
10th	-	-	2 - -
11th	-	-	2 - -
(From this date was ordered to make no stint.)			
12th	-	-	3 10 -
13th	-	-	2 10 -
14th	-	-	2 10 -
16th	-	-	2 - -
17th	-	-	2 - -
Total	-	-	£. 43 15 -

(signed) *E. Teale*, Chairman.
S. Ainsworth, Secretary.

Union Cross Inn.

Mr. Baron *Martin.*] Is this a payment, or is it a bill?

Mr. *Giffard.*] It is a bill, I believe, but it is signed *E. Teale*, Chairman of Committee. Then there follows this:

Hopkinson's Account:

Number on Committee - - 46.

By Mr. *Kitcheman*, prior to forming committee, 2*l.*

By Mr. *Kitcheman*, after forming committee:

To ale, tobacco, &c.:	£.	s.	d.
Oct. 1st	-	-	1 7 -
7th	-	-	1 10 -
14th	-	-	1 10 -
21st	-	-	1 10 -
28th	-	-	1 10 -
Nov. 3rd	-	-	2 2 -

(From this date food was ordered by Messrs. *Kitcheman*, *Singleton*, *Kershaw* and *Hick*. Committee to meet every night.

	£.	s.	d.
4th	-	-	2 - -
5th	-	-	2 - -
6th	-	-	2 6 -
7th	-	-	2 - -

1336. Mr. *Price* (to the Witness.)] Do you know Mr. *Arnold*?—Yes.

1337. And Mr. *Hargreaves*?—Yes.

1338. You had a bit of talk to them about your evidence?—Yes.

1339. How many times?—Not but once.

1340. Where was that?—Let us see; at *Hargreave's* office.

1341. When was that?—I cannot tell.

1342. Yes. Come, was it a fortnight ago?—No, I cannot rightly say.

1343. A month?—Three or four weeks ago.

1344. Did they say you should be well paid?—No.

1345. They would see you righted?—No.

1346. Who has been supporting you since you have been to their office; who has been finding you money to live?—I have been working.

1347. Where?—At home; when I went to their office I was working.

1348. But since that time have you been out of town?—Yes.

1349. Where have you been?—At *Morecambe*.

1350. By the sea side?—Yes.

1351. Who has been keeping you, or who paid your fare; who sent you there?—I cannot tell who sent me there; I got a ticket from the fellow I went with.

1352. Has the fellow been paying there for you; who is the fellow?—I do not know his name.

1353. Did he go with you?—Yes.

1354. Has he been keeping you there all the time?—I never saw him before.

1355. Has he been with you all the time?—Yes.

1356. Watching you every day?—He has not been watching me.

1357. Has he paid the bill?—I do not know whether he has paid or has not.

1358. Did you live well?—Yes.

1359. Something better than ginger pop, I hope; who was with you besides; who was the party?—*William Looby* and him and me.

1360. And this fellow?—Yes.

1361. Is the fellow to be seen here?—No; he has been here to-day.

1362. Look round there; do you see him?—No; I have seen him outside to-day.

1363. What name does he go by; has he two names, like you?—He has four for what I know; we call him *Bill*.

1364. What is his other name?—I do not know.

1365. How long have you been at *Morecambe*?—Near hand a fortnight.

1366. Mr. *Giffard.*] I dare say none of the gentlemen on that side from *Bradford* knew where you were during that time?—No.

1367. Were you cautioned not to allow them to know?—Yes.

1368. And when were you brought back to *Bradford*?—I came back yesterday night.

Mr. *Giffard.*] This witness has also spoken about

about the "Oak" inn. The following is the bill :

District, No. 10.
Oak Inn, Wapping Road, Thursday,
November 19th, 1868.

	£.	s.	d.
To refreshments - - -	21	15	3
Use of rooms and gas - - -	4	1	-
Total - - -	£.	25	16 3

John Arnold, Secretary.
William Crowther, Chairman.

To Mr. Little, Legal Agent.

1369. (To the Witness.) You have spoke of the "Oak" inn; was that the one at which Mr. Crowther was chairman?—Yes.

Mr. Giffard.] This document appears to be in substance the same, except in one particular; it is as follows:

District No. 10.
Oak Inn, Wapping Road, 1868.

To refreshments from the 21st October to the 17th November, inclusive:

	£.	s.	d.
Committee-rooms engagements - - -	4	-	6
7 Nov. Sangwidges, 20 men, 6d. each	-	10	-
9 " Ditto - - 30 " 6d. "	-	15	-
10 " Ditto - - 29 " 6d. "	-	14	6
11 " Ditto - - 35 " 6d. "	-	17	6
12 " Ditto - - 30 " 6d. "	-	15	-
13 " Ditto - - 32 " 6d. "	-	16	-
14 " Ditto - - 36 " 6d. "	-	18	-
16 " Ditto - - 40 " 6d. "	1	-	-
17 " Ditto - - 41 " 6d. "	1	-	6
	£.	11	12 6

JOHN YOUNG, sworn; Examined by Mr. Giffard.

1370. ARE you a voter for the South Ward?—Yes.

1371. I believe you voted for Miall and Forster?—Yes.

1372. On the 9th of November last, did you, Patrick Dwyer, Looby, and Corcoran, meet Mr. Kitcheman at the "Fleece Arms"?—Yes.

1373. What time in the day?—Between three and four o'clock in the afternoon.

1374. Did you tell him that you wanted something?—Yes.

1375. What did you tell him that you wanted?—We told him that we wanted some money, and that we were all four voters.

1376. Just tell me exactly, as near as you remember, the words you used to him?—I said we wanted some money; we were all four voters; we could not go round and seek voters unless we had some money to spend upon them.

1377. What said he?—Mr. Kitcheman said he had nothing to do with money; he said, "I understand that Jerry Ryan does," and such like.

1378. Did he say anything about what you were to do after you had been to see Jerry Ryan?—No, he said nothing; he said we were to see him again if we did not see Jerry Ryan. We seed him in the evening after six o'clock, and Mr. Kitcheman were with him.

1379. Do you remember him saying anything to you about eyes being upon him, or anything of that sort?—Yes, he said there was eyes upon

7 Nov. Irish committee held at this house - - -	£.	s.	d.	P. Dwyer.
14 " Ditto - - - ditto - - -	-	10	8	26 January 1869.
To beer and cigars, tobacco, &c. - - -	-	19	4	
	12	14	2	
	25	16	8	
	-	5	6	
Total - - -	£.	25	11 2	

By me and other gentleman ordered,
William Crowther, Chairman.
John Arnold, Secretary.

Mr. Giffard.] We have called for the others, and I should put in here the "Friendly Inn," and the "Bricklayers' Arms" bills, but they are not among those handed to me, so I cannot do it. If my learned friends have got them, they have been omitted by mistake. I ask for them now.

Mr. Overend.] I believe we have refused to pay anything at those places; we have disallowed them.

Mr. Giffard.] You can produce the bill if you have not paid the money. I mean the one signed by the chairman of the committee. I will not ask your Lordship to stay for that, but will go on with the next witness.

[The Witness withdrew.

him every place that he went, and he durst not ask us in to have a glass of beer nowhere.

1380. Mr. Baron Martin.] Did he give you anything at that time?—No, he gave us nothing.

1381. Mr. Giffard.] Did you afterwards see him again?—Yes.

1382. Was Ryan with him at that time?—Yes, at six o'clock in the evening he was with him.

1383. Did you follow him till you got opposite Heaton's shop, in Bolton-road?—Yes.

1384. Did you then tell him that you had been looking for Ryan all the afternoon and had not met with him until then?—Yes.

1385. Just tell me what Mr. Kitcheman said then?—We said we had been seeking for Jerry Ryan all the afternoon and we had not seen him; then Mr. Kitcheman said, "I have nothing at all to do with you, as I have told you before," he says, and he walked away from Jerry Ryan.

1386. What happened next?—We told Jerry Ryan we had been canvassing three weeks and we had got no money yet; he says, "I have not anything to do with you;" he said, "You do not belong to my committee."

1387. After he had said that, did he give you anything?—Not just then, he did not.

1388. Shortly after then?—Yes.

1389. What did he give you?—There was four of us served half a sovereign each.

J. Young.
 26 January
 1869.

1390. Mr. Baron *Martin.*] Who gave you this?—Jerry Ryan.

1391. Mr. *Giffard.*] The next day, I think, did you meet Ryan and Bowen in the back yard in Otley-road?—Yes.

1392. Do you remember hearing Ryan ask Bowen anything?—Yes, he met me and asked me was I then laking, and I said I was, and he put his hands in his pocket and told him to give me a two-shilling piece.

1393. Who spoke to the others to give you anything?—Jerry spoke to William Bowen to give us 2 s. a piece.

1394. Did Bowen do so?—Yes.

1395. That same day did you and Looby and Dwyer meet Ryan in Loom-street?—Yes, on the 10th of November he was there, and he served 2 s. 6 d. between us, Dwyer, Looby, and Young.

1396. Who gave you 2 s. 6 d.?—Jerry Ryan.

1397. Did you then go to the committee-room at the "Union Cross"?—Yes.

1398. How long did you stay there?—About 11 o'clock.

1399. What were you doing all that time to 11?—Drinking and smoking, all the pack of us.

1400. Did you pay anything?—No.

1401. Who ordered the drink and tobacco?—The chairman, Emanuel Teale.

1402. Were you afterwards at the "Bricklayers' Arms"?—Yes.

1403. Do you remember Jerry Ryan calling you into the back yard?—Yes.

1404. What did he do after he called you into the back yard?—He paid me a sovereign and 1 s.

1405. Did he tell you to send Looby to him?—Yes.

1406. And did you send Looby to him?—Yes, I did.

1407. On the nomination day did you do anything, or did you remain at home all day?—I was at home all day.

1408. On the polling day what did you do?—I voted for Forster and Miall.

1409. What else did you do?—I came home then.

1410. And did nothing else?—No.

1411. Where did you breakfast that morning?—At home.

1412. Did you ever canvass anybody?—Never a man in my life.

Cross-examined by Mr. *Overend.*

1413. But you told him that you were going to canvass somebody, and had canvassed for three weeks?—I was supposed to canvass, but I did not do so.

1414. You told him you had been canvassing for three weeks?—Yes.

1415. And you have had the money for it?—I had it for to vote as well, of course.

1416. But you told him that you had been canvassing?—Yes.

1417. You never did intend to canvass?—No.

1418. But you intended to get that money and cheat him?—Yes.

1419. And then vote against him?—Yes.

1420. I suppose you voted conscientiously for Forster and Miall on account of your principles?—Yes.

1421. Mr. Baron *Martin.*] Did you get anything for that?—I did not get a farthing.

1422. Mr. *Overend.*] Have you been to the sea side?—No.

1423. Morecambe is a pleasant place, I believe?—Yes, a very nice place.

1423*. Have you been there?—No.

1424. Have you asked for some little money to go there with?—No, I have asked Mr. Kitcheman.

1425. Mr. Kitcheman would not give it you?—He went to the solicitor to try and get 10 l. for me.

1426. But you never asked the other side?—Never for a farthing.

1427. But you thought you had not had enough, and you would like to have 10 l. more from Mr. Kitcheman?—Yes; 20 l. if I could get it.

1428. You have been rather in low water, have you not?—I do not understand that.

1429. You have been in poor circumstances, have you not?—I am poor now.

1430. Have you ever pledged any of your clothes?—Many a time.

1431. About the month of November did you get them out of pawn?—No.

1432. Were they in pawn?—No.

1433. You never got them out of pawn at all?—Yes, they have been in many a time, but I have got them out.

1434. What had you been doing for a livelihood at all during the time this canvassing was going on?—I had been looking out for work.

1435. How long were you engaged on behalf of this gentleman, as you said?—I was on from the 7th of November up to the 14th.

1436. You were only a week again?—That is all.

1437. How much did you get altogether?—Thirty-three shillings and sevenpence halfpenny.

1438. You got 33 s. 7½ d. for doing, with great propriety, nothing?—Yes.

1439. Did you not go to Mr. Kitcheman and tell him that you should like to go away if he would give you 10 l.?—Yes, I wanted a little more information, and I thought he had sent some of them away; William Looby and Dwyer.

1440. Did you not tell Mr. Kitcheman that they had been sent away by Mr. Miall's party, and they had left you out?—I told him I was certain Mr. Miall's party had sent them away, or Mr. Riplev's.

1441. Did you not tell him that Mr. Miall's party had sent off those other men, and had left you out?—I thought they had sent them away; or the others had sent them away; there were two parties.

1442. You knew nothing about it?—Not a ha'porth.

1443. Have you not written to Mr. Hargreaves?—Yes.

1444. Have you asked him to send you out?—No.

1445. Never?—No.

1446. What did you go to Mr. Hargreaves for?—To give my statement.

1447. Has he paid you for it?—No, never a halfpenny.

1448. Was that after the 10 l. had been refused you?—Yes; I had been before.

1449. Did you not say that Mr. Kitcheman refused to give you any money?—He would go to the attorney to try to get it for me.

1450. Did he not take you to Mr. Little, to take down your statement in writing?—But Mr. Little did not take it down in writing.

1451. Did he not take you there?—Mr Kitcheman took it down.

1452. Did

J. Young.
—
26 January
1869.

1452. Did Mr. Kitcheman, in Mr. Little's office, when he took you there, take down your statement?—I did not give it down there; it was in Mr. Kitcheman's house I gave it.

1453. Was not it then that you asked for the 10*l*.?—Yes, at Mr. Kitcheman's house.

1454. And you have never got it?—But he came to say he had got it for me.

1455. But you never got it?—No.

1456. You said you wanted it, but he never gave it to you?—I wanted some little more information; I thought Mr. Kitcheman had sent Looby away.

1457. But you wanted to go too?—I would not have went if I had got the money; I would have stayed here.

Re-examined by Mr. *Giffard*.

1458. You went to Mr. Kitcheman's house, as I understand, and made the statement?—Yes.

1459. And was it taken down in writing?—Yes; he asked me what did I vote for Mr. Forster for, and I said I thought he was the best man.

1460. What was said about 10*l*. at Mr. Kitcheman's?—I said, "There is Corcoran and me want to go away." Corcoran were poorly, and he told me to go and see Mr. Kitcheman, and see if he had sent Looby and Dwyer away, and to give my statement and get just a bit of information there; and I did so. Mr. Kitcheman asked me how much money Dwyer wanted, or Corcoran; and I told him I did not know what they wanted. I told him I wanted 10*l*.

1461. You wanted 10*l*., to do what?—To go to America; I said I would go that day if I had got it.

1462. What did Mr. Kitcheman say to you then?—Mr. Kitcheman wrote it down, and then took it before these here solicitors.

1463. Did he take you to these solicitors?—Yes.

1464. What happened there?—He told me he would not give me a penny.

1465. And did you tell him all you have told us to-day?—Yes.

1466. It was taken down in writing?—Yes.

[The Witness withdrew.]

JAMES CORCORAN, sworn; Examined by Mr. *Metcalfe*.

1467. Do you live at 14, Carver-court, Bradford?—Yes.

1468. You are a voter, are you not?—Yes.

1469. And did you vote for Mr. Ripley on the last occasion?—Yes.

1470. Did you see Mr. Kitcheman?—Yes.

1471. Who was with you when you first saw him?—Patrick Dwyer, William Looby, and John Young.

1472. What did he say to you?—He told us we were to go to Jeremiah Ryan.

1473. About what time was this; how long before the election?—A fortnight, happen.

1474. Did he say why you were to go to Ryan?—He said that he did such things.

1475. Did what things?—That he gave money.

1476. Was anything said about money; did you ask Mr. Kitcheman for money?—I went to him and asked him for a bit to get some allowance with; and he said that he dare not do such things since Coyne's letter.

1477. You were to go to Ryan; he said so, did he?—Yes.

1478. Did you go to Ryan?—Yes.

1479. When you first saw Ryan, was Mr. Kitcheman with him?—Yes, he was.

1480. What took place when you got to Ryan?—It was on the Bolton-road; Ryan gave us, all four of us, half a sovereign each.

1481. Did he give you anything else; did he stand anything to drink?—No, not then he did not.

1482. Did he afterwards?—Yes; I met him up at Anthony—

1483. Did you meet him in New-street?—Yes; a week after he gave Dwyer three sovereigns, and Dwyer gave me 20*s*. of it.

1484. What did you get that for?—I cannot tell; they never told me what they did give it me for yet.

1485. Was anything said about voting?—No, voting was never mentioned.

1486. Did you put your name down in any book or list of any kind; did you write your
28.

name down, or was it written for you?—I cannot write my name. *J. Corcoran.*

1487. Did anybody write it for you, do you remember?—There was a man wrote it for me; but I could not write.

1488. Where was that?—It was in an office close upon the Exchange.

1489. Close to the vaults, do you mean?—Yes; "Hargreaves," I think they call it.

1490. You do not know who the man was that wrote your name for you?—Yes; that is the man there (*pointing to a person in the court*).

1491. You are speaking of when you saw the man after; but before the election I mean?—No, there was never no man put my name down before the election; not on the committee.

1492. You got that 30*s*. and 10*s*. Then where did you go; did you go on the committee?—I was on the committee when I did get it.

1493. Where did your committee sit?—At William Hopkinson's, at the "Union Cross."

1494. Did they supply you with beer or anything?—They gave us a little refreshment at nights.

1495. Only one night?—Yes; several times.

1496. Every night was it?—Every night that I went.

1497. Was there refreshments for everybody who liked to go?—No, I cannot say that there was; only for those that was on the committee.

1498. You did not pay anything for it, did you?—No, I paid nothing for it.

1499. Where did you breakfast the morning before you plumped for Mr. Ripley?—At the "Union Cross."

1500. What time did you vote?—Happen half past nine in the morning I was there ready to vote as soon as the doors was opened.

1501. Did you go up from breakfast in order to vote?—Yes, I did.

1502. Then you had delayed a little before you voted; what sort of a breakfast did you get?—They called it "muffin."

1503. Had you not meat?—Yes, there was meat;
E

J. Corcoran. meat; it was cut in two, and meat put in between.

26 January 1869. 1504. Did you get beer or coffee, or what?—I got some beer.

1505. The others had coffee, or what they liked, I suppose?—I see nobody there getting any coffee.

1506. Did you say anything to Mr. Kitcheman at the "Union Cross" about canvassers?—There was me and Dwyer went to Mr. Kitcheman, and we said that we canvassers would not get paid if we were voters. He told us to go on; he would see us all right.

1507. Did you ask him to give you anything at all?—No, Mr. Kitcheman never gave anything at all.

1508. Did Ryan?—Yes, I received something after that from Ryan.

1509. Mr. Baron *Martin*.] What did you get from Ryan after that?—I got all this from Ryan after. I had received nothing at that time.

1510. What did you get altogether?—I got 2*l*. altogether, and there was 3*s*.; Dwyer got 3*s*., and he gave me 1*s*. 6*d*. of it.

1511. Mr. *Giffard*.] There was 30*s*. then given you by Ryan after you had said this to Mr. Kitcheman about canvassers?—Yes, there was.

1512. You said, "I understood canvassers would not be paid;" is that what you mean you said to Mr. Kitcheman?—We went to Mr. Kitcheman and told him that we heard that canvassers would not be paid, and he said that we were to go on, he would see us all right.

1513. Was there supper also at the "Union Cross" on the 16th?—Yes, there was supper at night, sometimes.

1514. On the night of the nomination, Monday night?—Yes.

1515. What sort of a supper did they give you?—There was some bread and meat.

1516. Hot or cold, or what?—It was not so hot, nor it was not so cold.

Cross-examined by Mr. *Overend*.

1517. As I understand you, what you have been talking about is a conversation that you had with Ryan, in company with those other friends of yours; who were they?—William Looby, Patrick Dwyer, and John Young.

1518. And you first saw Mr. Kitcheman?—Yes.

1519. And you were all together?—Yes.

1520. And you remained in the same company standing together during the whole conversation?

—Yes, we were all in one company when Mr. Kitcheman was talking to us.

1521. So that what one heard the others would hear?—Yes, for anything that I know.

1522. And all could have heard what passed?—Yes, they should do; but I cannot say whether they did or not.

1523. You say that voting never was mentioned?—No; voting was never mentioned to me.

1524. You say that you were told that canvassers did not, or would not, get paid for voting?—Me and Dwyer heard that canvassers would not be paid if they were voters. We went and asked Mr. Kitcheman, and he said we were to go on; he would see us all right.

1525. Did they not tell you that if you were canvassers and were paid you could not vote?—No.

1526. Did not they tell you that if they paid you anything you could not vote?—They never told me nothing of the sort.

1527. Was not that what you heard, that if you were paid anything as canvassers you could not vote?—What I heard was this, I heard that no canvassers that were voters would get paid.

1528. Not only that you would not get anything, but that if you were paid anything you could not vote?—No, I heard nothing of the sort.

1529. Who spoke to you about not getting anything if you voted?—I could not say.

1530. Was not it Ryan?—No, he never said anything about it to me.

1531. Can you read?—No, I cannot.

1532. Did not you hear him read at your committee this, "No elector who within six months before or during any election for any county or borough shall have been retained, hired, or employed for all or any other purpose of the election for reward, by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in other like employment, shall be entitled to vote;" did they not read that to you?—No, I never heard it.

1533. Nothing to that effect?—I never heard it.

1534. Were you not told that the canvassers, if they were hired or retained to canvass, were liable to be punished if they voted?—No; we never heard a word of that, else I would not have had nothing to do with it.

1535. No you know whether Dwyer had a canvass book or not?—Do, I cannot say whether he had or not, I am sure

[The Witness withdrew.]

JOHN HOARE, sworn; Examined by Mr. *Mellor*.

J. Hoare. 1536. ARE you a Painter, living at 15 Palladium Buildings?—Yes.

1537. And are you a voter for the East Ward?—Yes.

1538. On the 7th November, did you meet Mr. Kitcheman?—Yes.

1539. Near Harris's Old Bank?—Yes.

1540. Had you known him before?—Yes, I had known him before.

1541. When you met him, what did he say to you?—He came over to me, and shook hands with me; he was in company with another gen-

tleman. There was two of Mr. Ripley's canvassers canvassed me the first thing in the morning, and asked me if I would vote for Ripley.

1542. What did you say the first time he saw you?—I said I would not. "Then," said he, "I will ask you another time if you will vote for Mr. Ripley;" and I said, "I will not." "Well," he said, "if I can put a few pounds in your way you will be all the better; you have a lot of little children, the same as myself." He said, "You can please yourself who you will for vote for when the day comes, if you will give us your name

J. Hoare.
—
26 January
1869.

name to put down in the canvass book." "Well," I said, "if that be the case, you can put my name on; but," says I, "I shall not vote for him."

1543. Did this take place in the morning?—Yes. I was in bed at the time when they came in. Then I got up and dressed myself, and got my breakfast, and took a walk up town; and I met Mr. Kitcheman outside Harris's Old Bank committee-room, and he came and shook hands with me. He was in company with another gentleman; and he says, "What are you going to do?" "Well," I says, "there have been two of your canvassers in this morning, and wished me to join the committee." He spoke in favour of Mr. Ripley for a good bit, and told me to go and join the Irish committee. "You will be all right," he said; "you know what I mean. I cannot give you no money; but if you go and join the committee you will be all right." He pointed with his hand, and left me; and I went into the committee-room.

1544. Did you go from there to the "Friendly Inn"?—I went up to the "Friendly Inn."

1545. Who was the chairman at the "Friendly Inn"?—Patrick Darcy.

1546. Did you go out with Darcy?—Yes, he asked me to go and canvass with him that afternoon. I told him I did not like to, as I knew the neighbours were all for Miall.

1547. How long were you out with him?—About an hour altogether.

1548. What did you do then?—We never got no one to vote.

1549. Did you go back to the "Friendly Inn"?—Yes.

1550. Had you anything to eat and drink at the "Friendly Inn"?—No, only drink on that day.

1551. Did you pay anything for the drink?—No.

1552. Did you afterwards go to the "Oak Inn"?—Yes.

1553. While you were there did Jeremiah Ryan come in?—There was a good many of us assembled there first, and there was a deal of beer allowed.

1554. Did you pay at any time for it?—No.

1555. Who ordered the beer?—I do not know who ordered it; there was 19 or 20 of us there; the room was so small that we went upstairs into a larger room; both beer and tobacco came up.

1556. Did everybody there have beer and tobacco?—Yes; then Patrick Darcy, the chairman, threw up the chairmanship that night, which caused a deal of confusion.

1557. When did Ryan come in?—He came in in the evening, some time between 9 and 10, and Mr. Kitcheman.

1558. Had you been sitting there drinking from the time you went back?—Yes; up to 11 a.m.; the other parties, too.

1559. Did Ryan give you anything?—Yes; he gave me a sovereign.

1560. Where did he give it you?—He gave it me outside the room on the lobby; I did not expect anything; he brought me outside and put one of his hands round my neck and talked to me a bit; he said "You must work for Ripley and vote for him," and he slipped this into my hand; I said, "What is this for?" and he said "You must vote for Mr. Ripley," and I says, "All right."

28.

1561. Did he say any more at that time?—No; I left him, and I sent another man to him and he gave him a sovereign.

1562. Who was the other man?—Brian Connolly.

1563. Was Patrick Ryan there?—Yes; there was happen 20, they were all expecting money, waiting for it.

1564. Did Patrick Ryan get any money?—Yes, a sovereign.

1565. Did you see it?—No; he came out and told me so.

1566. You saw the sovereign in his hands?—Yes; he came out and showed it me in his hands.

1567. Mr. Baron *Martin*.] Where did he show it?—In the committee-room.

1568. Mr. *Mellon*.] Was that Patrick Ryan of Sun-street?—Yes.

1569. You said that James Corcoran was there?—No, not James but Daniel Corcoran.

1570. Where does Daniel Corcoran live?—In Sun-street then.

1571. Did you see him with any money?—No; I did not see him, but he came and said he got money.

1572. Had he anything in his hand?—No, I did not see him with anything in his hand.

1573. Did you see Ryan give anything to the landlord?—He asked for the bill for the evening, and the landlord brought up a note.

1574. What was the amount of it, do you know?—It was 19s. 10d. or 19s. 2d., I am not sure; but it was one or the other.

1575. Did he pay it?—I do not know; he did not that night; he said he would see it all right.

1576. Did you see Ryan give him any money?—No.

1577. On the Monday morning following did you meet Ryan in the Bolton-road?—No; he sent for me to the house, and I went down and met him on the Bolton-road; he spoke to me and told me he would set me on day and night, and he gave me 6s., in three 2s.-pieces for expenses for to go and work for Mr. Ripley.

1578. On the 10th of November did you meet Mr. John Berwick?—Yes.

1579. Who is Mr. John Berwick?—I think he has been an agent of Mr. Ripley's; he is a Scotchman.

1580. Do you know if he was on any of his committees?—I think he belonged to the central committee; but I am not sure.

1581. Did he ever give you anything?—He gave me 5s. in the committee-room, and Patrick Darcy was with me, and I gave him 2s. 6d. of it.

1582. What room was that?—In Harris's Old Bank.

1583. That is the central committee-room is it?—Yes.

1584. What part of the central committee was it; the lower or the upper room?—The lower room.

1585. When you had the money in the lower room, did you go into the upper room?—That was after I came down from the upper room.

1586. Then, did you go into the upper room before?—No; I was never up before that day.

1587. Did you go into the upper room that day?—Yes.

1588. Whom did you see there?—I saw Mr. Ripley, Mr. Semon, Mr. Archibald Neill, Mr. Armitage, and Mr. Berwick.

1589. Mr. Berwick was the gentleman who had given you 5s.?—Yes.

1590. Did

J. Hoare.
26 January
1869.

1590. Did you speak to them?—They were speaking together, and me and Mr. Darcy stood on one side; Ryan was speaking to them, and then I was introduced over to them; I produced a canvass book that was given to me and let them look at it; and they said we was doing good work, and we were to go and do our best, and they would see us all right when the election was over.

1591. The next day, Wednesday, did you meet Mr. Berwick again in Blake's vaults?—Yes.

1592. Did he give you anything more?—Yes; 2s. 6d.; Mr. Kitcheman was there also, and he was speaking to him; it was on the Thursday, and Mr. Bowen told him not to go to the Irish meeting; but we were all to go.

1593. The same day that you met Jerry Ryan?—Yes; I met him nearly every morning.

1594. Did he give you anything?—He gave money to Patrick Darcy and me one day to get our dinners, and paid for refreshments at Mr. Blake's vaults every morning, either whisky or wine, whichever we had a mind to drink.

1595. On the Thursday did you meet Jerry Ryan in front of the Exchange?—Yes.

1596. Did he give you anything on Thursday?—He gave me nothing, only Patrick Darcy.

1597. How long before the election was this Thursday?—The Thursday before the election. There was a large Irish meeting at St. George's Hall the same night.

1598. Did you get any more money that night from anybody?—I got a shilling from Mr. Edward Dobson, to distribute tickets to Mr. Ripley's voters to go into the hall.

1599. On the Saturday before the election, the 14th of November, did Ryan give you anything?—Yes he gave me 2 l. in gold.

1600. Mr. Baron *Martin*.] What did he give it you for?—I do not know what he gave it me for except for my vote.

1601. Mr. *Mellor*.] Where did he give it you?—In Mr. Blake's vaults under the New Exchange; there were several others waiting besides me.

1602. Where did he take you to?—To the cellar next to where they sell the liquors underneath.

1603. Did he give you money in the room or did he take you anywhere?—He give it me where he stood, near the water-closet. He took a man named Lawrence and gave him money in the water-closet, and when he came out he gave me 2 l.

1604. On the same evening did you meet Ryan again?—Yes.

1605. Did he give you anything that evening?—I had seen him in the Old Bank, and he brought me out and paid for my dinner. First he gave me 8 s. for another man who was not a voter, and that was all the money he had. Then he took me into a cookshop and paid for my dinner, he changed a 5 l. note.

1606. Mr. Baron *Martin*.] How much did you get altogether?—I got 3 l. in gold, and the other was in refreshments, half-crowns, shillings and so on.

1607. Mr. *Mellor*.] What did he do with the change out of the 5 l. note?—He gave me 3 l. 10 s. out of it to give to the men on the Irish committee that were not voters, but non-voters.

1608. Were you in the habit of going to the "Friendly Inn"?—Yes.

1609. How often?—Nearly every night when I was on.

1610. What went on at the "Friendly Inn"?—Plenty of beer and tobacco was going on, on that and every night. On one occasion we had a leg of mutton cooked and eat it.

1611. Did you ever pay for it?—No. The Saturday morning before the election there was a lump of beef ordered to be cooked in there for the voters by Patrick Darcy.

1612. That is the chairman, I think?—Yes.

Mr. *Giffard*.] I might as well ask my friends whether they have got that bill now; I mean this one that was missing?

Mr. *Price*.] It was not returned because it was repudiated.

1613. Mr. *Mellor* (to the *Witness*).] Did you see anybody else pay?—No, I did not.

1614. Has Mr. Berwick said anything to you about either the "Friendly Inn" or any other?—No, only I was recommended to him as being a man he thought would do a deal of work.

1615. Did you see Mr. Berwick at all at the "Friendly Inn"?—Yes.

1616. More than once?—Yes, I had seen him order a gallon of ale; on the 14th, Darcy took the chairmanship again. There was a lot of gentlemen, Dr. Smith and several other gentlemen. The meat was not eaten that day, it was cooked for Saturday; it was not eaten on account of the election.

1617. On the Friday before the election were you at the "Bricklayers' Arms"?—Yes.

1618. What was going on there?—Mr. Tidswell was the chairman, and he ordered in, I think it was, 2 s. worth, and some bread and cheese.

1619. Who was the chairman there?—Mr. Tidswell.

1620. Anything else; did Mr. Tidswell order anything?—He ordered that on the Friday, and a ham and bacon was cooking at the same time.

1621. Any tobacco?—Yes, plenty, and a box of cigars.

1622. Did you pay for any of them?—No, I paid for nothing.

1623. Did you see anybody pay for it?—No.

1624. How many people were there altogether, do you suppose?—Happen six or seven.

1625. Did you have a share in this?—Patrick Darcy and me had a feed off it on Saturday morning the first thing, and some drink, and some cigars; and then as we came down they ordered this lump of beef to be cooked at the other beer-shop and sent in. The landlord was standing at the door, and he told him to roast some beef for the men.

1626. Did you hear Tidswell say anything about roasting beef?—Tidswell did not then.

1627. Did you hear anybody say anything to the landlord about payment?—He said he was ordered to open his rooms; he was authorised to have a room open as a committee-room at the "Bricklayers' Arms," and if he did he would be paid, and it would be all right when the election was over.

Mr. *Giffard*.] I have called once or twice for the bill at the "Friendly Inn;" does my learned friend's client say he cannot find it?

Mr. *Price*.] He is looking for it, he—

Mr. *Little*.] I have no doubt I have got it in my hand.

Witness.] There were two committees at the "Friendly Inn," one upstairs, and the other downstairs.

1628. Mr.

1628. Mr. Price.] One Irish, and the other English?—Yes.

Mr. Giffard.] The Act of Parliament says, that all vouchers are to be sent in.

Mr. Overend.] I know that; but if a man makes a charge which we say is illegal and we will not pay him sixpence, we do not hand it in; that is one in the category where we say we are not liable for anything.

The bill was handed to Mr. Giffard.

Mr. Giffard.] "Friendly Inn" committee-rooms, Mr. Ripley's Committee: To Alfred Dewhurst; expenses of first committee, from Friday the 13th of November to the 17th of November."

Mr. Overend.] How do you make this evidence?

Mr. Baron Martin.] As coming from you, I suppose.

Mr. Overend.] We say this: that he is entitled to have the accounts, but he is not entitled to have a claim which has been made, but which has been resisted.

Mr. Baron Martin.] He can put it in, and you can give any explanation of it afterwards; any document coming from you he has a right to use as evidence.

Mr. Price.] Certainly it is not binding against us; it is an account which has been sent in, but because it is sent in, and received by Mr. Little in course of post or by messenger, it does not become evidence against us because a man makes a claim.

Mr. Baron Martin.] I apprehend Mr. Giffard is entitled to call for any document in your possession, and upon that document being produced it is evidence in the cause; it may be that you have evidence which shows that it is worthless, but *prima facie* it is evidence as a document coming out of your possession and produced by you.

Mr. Price.] Strictly speaking, my learned friend ought to have shown, by calling the landlord, that such a claim has been sent in to us, and trace it into our possession.

Mr. Baron Martin.] Mr. Giffard is doing precisely what he might do at Nisi Prius; he may call for the document, and upon your producing it he may use it.

Mr. Price.] Your Lordship does not take that as any evidence that we have authorised this to be done.

Mr. Baron Martin.] I have taken it as a document out of your possession; it may be strong evidence, or it may be utterly worthless, but what I am to look at now is simply to see whether it is evidence in this cause.

Mr. Price.] We have never recognised it in this way.

Mr. Avery.] This is headed, "East Ward 'Friendly Inn' committee-rooms." The first amount is, "Total, 29*l*. 17*s*. 9*d*." Then there is a second amount, "Total, 37*l*. 4*s*. 7*d*." Nothing brought over. This first amount is "Mr. Ripley's committee: expense of Irish committee from Friday the 13th of November to the 17th of November, Patrick Darcey, Secretary. To refreshments, 17*l*. 16*s*. 6*d*. Expense of English committee for the same

dates. To refreshments, 12*l*. 1*s*. 3*d*.; total, 29*l*. 17*s*. 9*d*., Joseph Haley, Secretary." The other account is—

J. Hoare.
—
26 January
1869.

Mr. Ripley's Committee to Alfred Dewhurst.

Nov. 9.—Refreshments for Irish Committee	£.	s.	d.
	-	1	7
„ 10.—To - ditto - ditto	-	1	7
„ 11.—To - ditto - ditto	-	7	6
„ 12.—To - ditto - ditto	-	11	6
„ 13.—To - ditto - ditto	-	2	1
„ 14.—To - ditto - ditto	-	2	4
„ 16.—To - ditto - ditto	-	2	7
„ 17.—To - ditto - ditto	-	2	5

Nov. 9.—Refreshments for English Committee	£.	s.	d.
	-	13	5
„ 10.—To - ditto - ditto	-	1	1
„ 11.—To - ditto - ditto	-	18	9
„ 12.—To - ditto - ditto	-	1	1
„ 13.—To - ditto - ditto	-	1	11
„ 14.—To - ditto - ditto	-	1	12
„ 16.—To - ditto - ditto	-	1	14
„ 17.—To - ditto - ditto	-	1	17

Meat, &c., from the 9th to the 17th of November	-	10	17
Rent for two committee-rooms	-	3	6

Total - - - £. 37 4 7

There is no receipt and no signature to the second account. It is Patrick Darcey's account for the Irish committee. Mr. Haley, secretary for the English committee.

Cross-examined by Mr. Price.

1629. What did you say your name was?—John Hoare.

1630. Have you another name?—No, not that I am aware of.

1631. Are you ever called Murphy?—Yes, but that is not my name.

1632. Your friends call you so?—Sometimes.

1633. They like the name better?—Perhaps they do.

1634. As I understand, you told Mr. Kitchen at once that you should vote for Forster and Miall?—Yes.

1635. And you stuck to it and did vote for them?—Yes.

1636. And he knew that perfectly well, and you never disguised it from him, how you were going to vote?—No.

1637. Had he ever asked you whether you would canvass?—No, he never asked me.

1638. You were going to vote against his candidate; what were you to do?—I suppose he thought I would vote for Mr. Ripley. Patrick Darcey, the chairman, belonged to the committee, and another man came. Symons came and asked me in the morning if I would vote for Ripley, and I said "No, I shall never vote for him;" I promised my vote a month before that. "Well," he says, "but will you give us your name, or canvass with us if I can throw a few pounds in your way; you have a lot of children like myself." I said, "If that is all, you can put my name in your book, but I shall not vote."

1639. What you were to do for your money was that you were to canvass?—Yes; I went with him for about an hour.

1640. Did you show Mr. Ripley a book, and tell him you had canvassed?—Yes, I did show him a book, but I never set no names down upon it;

J. Hoare.
26 January
1869.

it; the book was filled up before I got it by other parties.

1641. You shewed it to Mr. Ripley, and told him that was the result of your canvass?—I told him that was the canvass book.

1642. Did you tell him that it was your canvass book?—Yes, I told him that was the book that was handed to me by Darcey.

1643. Did you tell him it was your canvass book?—Yes, I told him it was my canvass book.

1644. Did you give him to understand that that was the result of your canvass for him?—I did not canvass.

1645. Did you intend him to believe that you had got this return for him?—No, I did not.

1646. What did you show it him for?—Mr. Semon asked me for it to look at it.

1647. What did Mr. Semon ask; did he ask you to show the result of your canvass?—No, he did not.

1648. What did he ask for?—He did not ask at all; it was Mr. Semon.

1649. Did Mr. Semon ask for the result of your canvass?—No, he did not; he said we were to go on as we were doing very well.

1650. Why did you show him the book?—Because he required to see it.

1651. What did he say?—Mr. Semon said, "Let us look at your canvass book."

1652. Then you pulled it out, but you knew that you had done nothing?—Yes.

1653. And you knew that you were getting this large amount of Mr. Ripley's money, and you knew you were going to vote dead against him, and you left him under the impression that that was what you had done for him?—Yes; and the chairman knew it as well.

1654. Did you tell Mr. Ryan that you would go into the West Ward and open an Irish committee?—I was asked to go.

1655. Did you tell him you would?—No, never; I did not wish to do it; it was not safe for me to go into it.

1656. Why not?—For fear I might be killed.

1657. Who by?—The Irish party.

1658. You were for Miall and Forster; what were they going to kill you for?—If I went to canvass for Mr. Ripley I am sure I would be killed.

1659. And you never did; that was the reason you did not?—No, I did not; I was asked to go, but Darcey would not let me go; he said I was to stop where I was with a man called Hanigan.

1660. It was stated that nobody dare go and canvass for Mr. Ripley in the West Ward without the fear of being killed?—It was not safe.

1661. Why was not it safe to canvass for Mr. Ripley?—Because the Irish party were all canvassed a month before the time of the election.

1662. Who by?—By the canvassers of Mr. Miall and Mr. Forster.

1663. They had been canvassing there for a month before?—Yes.

1664. Were the public-houses opened?—No, not that I am aware of; I never was up amongst them.

1665. You dare not go?—No, I did not.

1666. You were a Miall and Forster man; you might have gone before you were asked to canvass for Mr. Ripley?—I never went up to that quarter; it was only a week before the

election that the committee-room was opened; one of the men left our committee, the Irish committee at the "Friendly Inn," for the other one; and two of them, a man named Hannigan and a man called Symons, went up and opened one at the "Shamrock."

1667. How was it that the Irish had been got up into this fierce state against Mr. Ripley?—It was their principle, I suppose, to vote for Miall and Forster.

1668. When the Irish are friends to one party, do they kill those on the other side?—I said it was their principle.

1669. The principle of Miall and Forster was to have their enemies killed, was it?—No, they were the best men for their country.

1670. And their principle was to have the others killed, do you say?—There generally is a row at election times.

1671. About Mr. Berwick; did not you complain to Mr. Berwick that you had not had enough for the work you had done as a canvasser?—He spoke to us after we came down stairs.

1672. Did you not tell Mr. Berwick, and complain to him when he gave you this money, that you had not had as much as you ought to have for the work you had done as a canvasser?—No, we did not.

1673. Mr. Berwick is here, and I caution you; he then gave you this 5s.?—He gave me 5s., and I gave Patrick Darcey 2s. 6d. out of it.

1674. What did he give you that for?—I suppose to get what we had a mind to.

1675. Did he not say anything?—No, he slipped it into my hand; he came over and spoke to Darcey.

1676. What did he say?—He said nothing, only he seemed pleased, and he slipped it into my hand this way (*describing the same*).

1677. Do you mean to tell my lord that that is what happened; that Mr. Berwick said nothing to you, but seemed pleased with the look of you and gave you 5s.?—He slapped 5s. into my hand; two half-crowns.

1678. What was there about you that could possibly please anyone with your appearance?—I suppose he thought we were doing good work for Mr. Ripley.

1679. Did you not tell him you had been canvassing for Mr. Ripley?—Yes; about an hour.

1680. You told him you had been canvassing for Mr. Ripley, and had not been paid enough?—No, I never told him nothing of the sort; I never asked no money from him.

1681. Did you say to Mr. Berwick that you had been canvassing how long?—I did not tell him nothing of the sort.

1682. Did you tell him that you had been canvassing for Mr. Ripley?—Yes.

1683. And you had not been canvassing for Mr. Ripley?—Not that day.

1684. Not at all?—No.

1685. Did you tell Mr. Kitcheman that you would go into the west ward, because you had more influence there?—No, never.

1686. Never?—I did not; I had very little talk with Mr. Kitcheman.

1687. Where had you any influence?—About the neighbourhood where I live, in the east ward.

1688. Have you been away to Morecambe?—No, I have not; I have been at home with my wife and children.

[The Witness withdrew.]

Mr. MICHAEL MORAN, sworn; Examined by Mr. *Gifford*.

Mr.
M. Moran.
—
26 January
1869.

1689. You are not a voter, I believe?—I am not a voter.

1690. In consequence of a letter you received, did you come over on the 4th November last to Bradford?—No.

1691. What day did you come over to Bradford?—I came over on the 8th.

1692. Did you first go to Mr. Mark Dawson's place?—No.

1693. Where did you go first?—I went first to see Mr. Kitcheman.

1694. And did you see him?—Yes.

1695. Did you tell Mr. Kitcheman what you came about?—Yes.

1696. What did you tell him?—I told him that as I resided in Bradford some years ago, I thought I would have influence with some of the electors, and asked him to set me on; he asked me whether I knew the people, and what part of the borough I lived in; whether I resided here, and so forth; after answering the questions, he told me I might go and canvass.

1697. Was anything said to you about forming a committee?—Not that day; afterwards there was.

1698. When afterwards was anything said to you about forming a committee?—I believe it was on the 10th or the 11th.

1699. Did you do so?—In conjunction with another person I did.

1700. What was that other person's name?—Charles Pickard.

1701. Of how many did the committee consist?—Perhaps, 18 or 20.

1702. You gave a statement to Mr. Mills, did you not?—Yes.

1703. When did you give the statement to Mr. Mills?—I believe it was last Wednesday.

1704. Just remember how many the committee consisted of?—Sometimes there were more, and sometimes less.

1705. What was the maximum number?—Perhaps 20.

1706. Did you tell Mr. Mills that it was 35 or 40?—

Mr. *Overend*.] That is not evidence; it is not a hostile witness.

Mr. Baron *Martin*.] The same thing occurred at Norwich. If you call a witness, you must call him and deal with him, as if it was at nisi prius.

Mr. *Giffard*.] Yes, but in order to lay a foundation for asking to be allowed to treat him in a different manner to ordinary evidence in the cause, I tender his evidence for your Lordship to consider whether he is a hostile witness.

Mr. Baron *Martin*.] When I see that the man is an adverse witness, I will deal with him accordingly, but you must not ask him any such questions at all.

Mr. *Giffard*.] I thought it was one means of convincing your Lordship that he was an adverse witness.

Mr. Baron *Martin*.] I don't see anything adverse in the man yet.

1707. Mr. *Giffard* (to the *Witness*).] Is that your handwriting (*handing a document to the Witness*)?—Yes.

1708. Mr. Baron *Martin*.] How many did the committee consist of?—About 20, but there were

sometimes more and sometimes less; sometimes there was only half that number.

1709. Did you call every man that came into the room a committee-man?—Those who came there, who came there and professed themselves favourable to Mr. Ripley, I called a committee man if he was a voter.

1710. Mr. *Giffard*.] Did you receive any instructions from Mr. Kitcheman with reference to what was to be done, and what was to be ordered at the committee-rooms?—Yes.

1711. What instructions did you receive?—There was to be refreshments, reasonable refreshments.

1712. Do you mean that he used the word "reasonable refreshments"?—I will not say that he used the word "reasonable refreshments;" that was the meaning of it—moderate refreshments.

1713. How many days was the committee-room open altogether?—Seven or eight.

1714. How soon did you open it; you did not begin until the 10th or 11th?—I think it was open on the 10th or 11th of November and was closed the day of the election and the day after.

1715. Do you know how much he ordered altogether during that time (moderate and reasonable refreshments, you know); but before we come to that, let me ask you was the "British Oak" the name of the house?—Yes, that was the name of the house.

1716. Who took the room?—I believe the room was taken before I went down.

1717. Did you know from Mr. Kitcheman whether he had taken it or not?—He said he had taken it, but he wished me to go down there.

1718. What is the name of the landlord?—James Smithies.

1719. I called for the account at the "British Oak;" but while that is being looked for, I will ask you did you see Mr. Whitehouse in the course of your superintendence of this committee-room?—Yes, many times.

1720. Did he give you any instructions about what refreshments were to be supplied?—Yes.

1721. What did he say?—He said I was to take care and let them have plenty.

1722. Do you remember the word "stingy" being used at all?—He said something to that effect that there was no occasion to be stingy; that the accounts would be paid.

Mr. *Price* handed the bill to Mr. *Giffard*.

1723 Mr. *Giffard* (to the *Witness*).] Did you see Mr. Ripley and his son at that public-house?—Yes.

1724. And Mr. Mark Dawson, the chairman of the ward, was he there too?—I believe he was.

1725. Did you see him?—Mr. Ripley was accompanied by two gentlemen.

1726. Did you see Mr. Mark Dawson, the chairman of that ward?—I did not know him personally.

1727. Did you hear a person called by the name of Mr. Mark Dawson?—I remember one gentleman address another as Mr. Dawson.

1728. Did you see that person at the committee-room?—He was standing close to the door.

1729. Just tell me, is that your writing (*handing a bill to the Witness*)?—Some of it; it is my signature.

Mr. 1730. The signature to the different items, refreshments and employment?—The writing itself is the writing of the secretary, and my signature is to it.

M. Moran.
26 January
1869.

1731. I take it, that you certified it as correct, as the quantity of refreshment supplied?—Yes.

Mr. Baron *Martin*.] What is the amount?
Mr. *Giffard*.] £. 24. 15. 6.; the bill is as follows:—

No. 22.		District Committee, "British Oak" Inn.		
		£.	s.	d.
November 11/68.	Refreshments	2	5	11
	<i>Michael Moran</i> .			
November 12/68	- - -	1	18	3
	<i>Michael Moran</i> .			
November 13/68	- - -	3	12	2
	<i>Michael Moran</i> .			
November 14/68	- - -	2	18	3
	<i>Michael Moran</i> .			
November 16/68	- - -	3	-	11
	<i>Michael Moran</i> .			
November 17/68	- - -	4	-	-
	<i>Michael Moran</i> .			
Room and attendants -		7	-	-
		£. 24 15 6		

Michael Moran.

1732. Mr. *Giffard* (to the *Witness*).] On the nomination day was there any beef there?—Yes.

1733. How much?—30 lbs. or 40 lbs.

1734. Was there a ham?—Yes, a whole ham.

1735. On the polling day were there any breakfasts?—Yes.

1736. How many?—There were messengers connected with the committee-room; there were some eight or ten of them on the watch during the night.

1737. First answer my question; about how many breakfasts?—I think there were only three or four of them.

1738. Do you mean three or four sitting down at a table that was replenished each time, or what?—There were only three or four breakfasts on that morning.

1739. Do you mean only three or four persons who breakfasted there, or what?—Only three or four persons who breakfasted, not including the runners and persons who were watching that night.

1740. How many people altogether did you see breakfast there?—I should say there would be, perhaps, 12

1741. Was that 12 renewed from time to time, so that different persons sat down?—No.

1742. There were only 12 altogether you mean?—About 12 altogether.

Cross-examined by Mr. *Overend*.

1743. Who is the landlord of this "British Oak"?—James Smithies.

1744. His name does not appear on this paper of ours?—I do not know about that.

1745. Whose handwriting is this?—Mr. Pickard's signature.

1746. And all further signatures which are given here, your signatures?—Yes.

1747. What business had you to give your signatures?—I had to sign for everything.

1748. What had you to do with it?—The landlord asked me for the signatures.

1749. Therefore you signed at the request of the landlord?—Yes.

1750. Not by any authorised person by Mr. Ripley, or anything of that sort?—No.

1751. This was done at the request of the landlord?—Yes.

1752. You are not aware that Mr. Ripley disclaims his liability to pay 6 *d.* of it?—I am not aware.

1753. Your friend the landlord has not told you that?—He told me he had not been paid.

1754. Do not you know that Mr. Smithies does not expect to get paid?—He has not told me that.

1755. Not that they had refused to pay him?—He said he had not got paid; he did not say they had refused to pay him.

1756. Who wrote those words "refreshments" and so on?—Mr. Pickard.

1757. What is he?—A shopkeeper, and he acted as secretary.

1758. Who made him secretary?—As far as I know it was Mr. Kitcheman.

1759. Do you know anything about it?—Mr. Kitcheman told me that I was to go to the "British Oak," and I was to be chairman of the committee there, and that Mr. Pickard was to be my secretary.

1760. When did he tell you that?—I think it would be on the 10th.

1761. What are you by business?—A land surveyor.

1762. Where do you live?—At Huddersfield.

1763. What were you doing at Bradford?—I came over to take part in the election.

1764. Did you get paid?—No.

1765. Did you do it out of love for the cause?—Yes.

1766. So you canvassed did you?—Yes, I canvassed.

1767. Did you canvass amongst the Irish or the English?—The Irish chiefly.

1768. You are not an Irishman are you?—Yes I am.

1769. Are you the person who applied for some money through Mr. Jones?—A friend of mine in Huddersfield applied to Mr. Terry for me; telling him I wanted something for my services at the Bradford election. He said he would send a letter to Mr. Terry.

1770. Mr. Jones wrote to you?—Yes; Mr. Jones the solicitor wrote.

1771. Mr. Terry replied that if you would only keep quiet, he would do his best for you?—Quite so.

1772. Is this your handwriting (*handing a letter to the Witness*)?—Yes.

1773. Mr. Baron *Martin*.] Is it Frederick Jones the old man, or the young man?—Frederick Jones the younger.

1774. Is the old man alive?—Yes.

1775. Mr. *Overend*.] Is that your handwriting?—Yes.

1776. Did you write this? "Mr. Kitcheman—Sir, My funds are now exhausted, and this is to request a little aid to day; I have spent in the cause one way or another since last Sunday about 30*s.*; therefore I hope you will give me something to go on with, for I do not live at home the same as all the others, Yours, &c., &c.; Michel Moran;" is that your writing?—Yes.

1777. You wanted to be repaid the expenses that you yourself had been put to?—Yes.

1778. Did

1778. Did you write this letter (*handing another letter to the Witness*)?—Yes, that is my writing.

1779. When was the first letter written?—The Friday before the election.

1780. How long had you been in the town at that time?—From the Sunday.

1781. You had been working from the Sunday till the Friday?—Yes.

1782. And living at your own costs and charges in the town?—Not altogether.

1783. How not altogether?—I came from home and I had some refreshments with me, and I had something that was included in the bill.

1784. Besides that you had 30s. which you had incurred as expenses?—Yes; that was my own money.

1785. When you say expenses incurred, what do you mean; travelling about and going in cabs?—No; there were no cabs employed by me at all.

1786. It was in provisions, lodgings, and so on?—Yes.

1787. Did you afterwards hear of Coyne having written a letter to the paper?—Yes.

1788. Had you at that time made an application for the payment of money for your services?—I had made application to Mr. Kitcheman, and on the letter of Michael Coyne being published wrote to him, saying I would not except anything.

1789. Is this your letter; “Mr. Kitcheman—Sir, In consequence of what has appeared this morning in the paper, relative to the charge the fellow Coyne brings against you, I withdraw the request I made by letter left at your warehouse this morning, Yours truly, Michael Moran;” when was this letter written?—I do not recollect exactly; I dare say about Friday or Saturday; about the same date as the former letter.

1790. Then you had first applied for 30s.; then you subsequently sent a letter on to the warehouse for money; then you saw this letter of Coyne’s in the newspaper, and you withdrew your claim?—Yes.

1791. Then the persons to whom those provisions were supplied that we have heard about, which you certified for as you say, were persons who were engaged for Mr. Ripley, or canvassing for him; messengers, and so on?—Yes, they were.

1792. Were there voters and non-voters also?—There were voters there, and non-voters also.

1793. And equally paid alike?—No; there was no voters paid.

1794. I mean refreshments were given equally every morning; every person who was on the canvass had a right to come in and get refreshment?—Not every one.

1795. Such as you ordered, I mean?—Voters as a rule did not get any.

1796. It was non-voters?—It was the non-voters and the canvassers.

1797. And in your judgment was it mere ordinary refreshment that a man would take if he came into a public-house to spend the evening?—There was nothing excessive at all; I saw nobody drunk at all.

1798. No drunkenness and nothing excessive?—I only saw one drunken man, and it was not at our committee-room that he got the drink.

1799. During the whole election, you mean?—I am only referring to the room where I was chairman.

1800. Was there much drunkenness in the town that week or not?—Yes, there was a good deal.

1801. Both sides?—I dare say it was both sides to a certain extent; the friends of both parties, I dare say, they were.

1802. There was a great deal of excitement, and they came together in public-houses and talked and drank?—Yes.

1803. At their own cost?—I do not know that.

1804. Now about the breakfast; upon the morning of the election were those the persons who had been out all night, trying to look after the voters, that had the breakfast?—Yes, they had been out all night, trying to look after the voters, and I ordered coffee for them; there were seven or eight who came in to have breakfast.

1805. Now about the nomination-day; what was it about the beef; there was some beef and ham; who were those for?—Messengers running from the central committee-room to the others; it was for them.

1806. And you say there were a committee of 18 altogether during the time you were there?—The total is, how much?—About 17 l. for refreshments, and the remainder for the use of rooms.

1807. Seventeen pounds in a week; that would be 1 l. a head, according to what your committee was; but did the committee get the whole of it, or were there runners besides?—There were runners.

1808. What was the extent of the runners that came to your committee-room?—Sometimes, I should say, there were a dozen there.

1809. And they were in the habit of coming day by day, were they?—Nightly and daily too.

1810. Therefore, adding a dozen to 20, which were the committee, you have got 32?—Sometimes there were 50 in the place.

1811. All engaged in Mr. Ripley’s behalf, were they?—Yes.

1812. Those were the persons to whom the drink and other things were given?—Yes, that was reasonable refreshment.

Re-examined by Mr. Giffard.

1813. Have you been paid, or have they agreed to pay, your entire claim?—No, they have not.

1814. Have you not received any promise of payment of the entire claim?—I have not received any promise otherwise, further than in the letter which has been read.

1815. Is it the fact, that some person acting on the part of Mr. Ripley has promised to pay you the whole of your claim, or not?—No person has promised me.

1816. Do just look at that again (*handing a letter to Witness*).

Mr. Baron Martin.] What is that letter?

Mr. Giffard.] I ask him, my Lord, to look at it with reference to what I before put to him. I do not ask him any question now, after what my Lord has said; but as one mode of testing whether this gentleman is adverse or not, I ask him to look at that letter, which he says is his handwriting.

1817. Mr. Overend (to the Witness).] Is that your handwriting?—Yes.

Mr. Overend.] That has only reference to the

Mr.
M. Moran.
—
26 January
1869.

Mr.
M. Moran.
26 January
1869.

the letter of Mr. Terry; it is only an application.

Mr. Giffard.] He says he has received a promise.

Mr. Overend.] Mr. Terry said he would try to get him something.

Mr. Giffard.] I say it is a promise.

Mr. Baron Martin.] I do not think there is anything in that letter.

Mr. Giffard.] Your Lordship has heard his last answer, that he has received no agreement or promise to receive the amount in full.

1818. (To the Witness.)] Do you adhere to that answer?—I have received no promise to have it paid in full from Mr. Ripley, or Mr. Terry, or anybody else.

1819. You say that you found Mr. Pickard as your secretary when you went there. Just look at that bill, and see whether you received that bill from the central committee (*handing a handbill to the Witness*)?—I received it by a messenger; from what committee I know not.

1820. It was displayed in the committee-room, I suppose?—Yes; he left half a dozen of them on the table.

1821. It was there, I suppose, when Mr. Ripley

came and Mr. Kitcheman came?—Yes, there were three or four of them hung round the room.

1822. You told my learned friend that voters generally were not permitted to partake of the refreshment?—They were not there; there were a few persons came in that were favourable to Mr. Ripley; they said they would not have anything to drink, and there were a number of persons came that got drink.

1823. Were there any precautions taken by you, as chairman, to prevent voters getting food or drink?—Precaution was taken by me to prevent other persons coming into the room. I instituted a password or two.

1824. What was that pass-word?—“Two pence.”

1825. Then, anybody who came to the door and said “Two-pence,” he was allowed to go in.—Yes.

1826. And then anybody who once got in might help himself if he liked?—Yes.

[The Witness withdrew.]

Mr. Giffard.] Will your Lordship allow me to get the returns from the mayor?

EDWARD WEST, Esquire, made his solemn Affirmation; Examined by Mr. Giffard.

E. West,
Esq.

1827. You are the Mayor of Bradford; are those the returns which you have received?—Yes, they are both here. This is the return of Messrs. Forster's and Miall's expenses, and this is the return of Mr. Henry William Ripley's expenses.

1828. Will you give me the amount of Messrs. Forster and Miall's expenses?—£. 3,397. 14. 4.

1829. Have you got to that a detailed statement of expenditure?—Yes; a detailed statement of expenditure, with about 1,000 vouchers.

1830. Comprehending how many folios in that detailed statement?—Fifty-four.

1831. Will you show me Mr. Ripley's return on that one sheet of paper?—£. 7,211. 10. 7. on one sheet of paper.

1832. And no vouchers at all, I think?—No vouchers.

The returns were handed in.

[The Witness withdrew.]

Adjourned to To-morrow,
at Ten o'clock.

Wednesday, 27th January 1869.

JOHN HALEY	}	- - - - -	Petitioners,
CHARLES HASTINGS			
ANGUS HOLDEN			
TITUS SALT, Jun.			
AND			
HENRY WILLIAM RIPLEY	- - - - -	Respondent.	

Mr. Price stated, that he wished Michael Coyne to be re-called, in order that he might ask him whether he did not state to Mr. Ripley that he was a Fenian, and represent himself as having an influence amongst the Fenians, and whether he did not sign a certain document which it was necessary to sign before he became a member of the committee, previously to making any alteration in it.

27 January
1869.

Mr. Baron Martin stated, that the latter question might be put, but not any question relating to Fenianism.

Michael Coyne was re-called, but did not answer.

RICHARD DUFFY, sworn; Examined by Mr. Giffard.

1833. WERE you a member of the Irish committee that used to meet at the "Friendly" inn?—Yes.

1834. Do you know a man of the name of Jeremiah Ryan?—Yes; I know him well.

1835. Did you get anything from him at any time before the election?—Yes.

1836. What did you get from him?—I got a sovereign from him, and he sent a sovereign by another man to give me; he gave me half-a-sovereign.

1837. What did you first get yourself?—He gave me half-a-sovereign first, at the Exchange-buildings.

1838. At that time, was any more money paid in your presence and sight, besides the half-sovereign to you?—He paid another man, but I did not see him give him it.

1839. How do you know he paid it?—He told me.

1840. Jeremiah Ryan?—No; John Brereton told me.

1841. You yourself received half-a-sovereign; did you see John Brereton there at the same time?—Yes; we both went together.

1842. Did you see anything with Brereton afterwards?—Yes.

1843. What did you see with him?—I seed a few half-crowns.

1844. Do you remember the Wednesday before the election?—Yes.

1845. Did you see Jeremiah Ryan that night?—No; I cannot say that I did.

1846. Were you at the bar of the "Wild Boar"?—Yes; I was.

1847. Who was chairman at the "Wild Boar"?—In the bar, I think, Mr. Thomas Wood.

1848. What was going on at the "Wild Boar"?—There was talking about this election affair.

1849. Was there any eating and drinking?—Yes; there was something to drink.

1850. From what time to what time did you see that?—It was about half-past eight when I went in.

28.

1851. Did you pay anything for it?—For the first glass, I did.

R Duffy.

1852. After that, did you pay anything?—No.

1853. In what ward was it?—It was in the North Ward on the left hand side going up.

1854. Did you see anybody else pay?—No, sir, I did not.

1855. Who was there; tell me the names of some of the persons who were there?—I seed Mr. Terry, the solicitor, just coming out as I was going in, and there was Mr. Thomas Wood there, and a good many more.

1856. Did you see any people whom you knew as voters?—Yes; there was James Passable.

1857. Was a man of the name of Barker there?—Yes; Benjamin Barker.

1858. Was Timothy Hanorth?—Yes.

1859. Do you remember any other persons who were there?—Yes; I remember other persons being there, but I did not exactly know them by sight.

1860. Do you remember a short time after the election receiving some money from a man of the name of Hoare?—That was before the election.

1861. Tell me what it was?—He gave me a sovereign.

1862. He was the man who was called yesterday as a witness?—I suppose so.

1863. About how long before the election, was this?—A week.

1864. Mr. Baron Martin.] How much did you get altogether?—I got 3 l. 10 s. altogether.

Mr. Giffard stated, that he wished now to have the accounts for refreshments at the "Wild Boar" inn, and that if Mr. Little would kindly put them all in, he and his learned friends could find them for themselves. That one account commencing on October 19th, was for refreshments for committee-men, messengers, and canvassers; on the 22nd, 23rd, 26th, and 27th of October,

R. Duffy.
—
27 January
1869.

November 2nd, 3rd, 4th, 5th, 7th, 9th, &c., the amount being 15 l. 15 s. 4 d.

Mr. *Price* stated, that he should ask his Lordship only to take down that the treating from the 8th to the 17th November amounted only to 4 l. 7 s. 7 d.

Mr. *Giffard* stated, that he wanted all the accounts applicable to the "Wild Boar."

Mr. Baron *Martin* stated, that they had better be handed to Mr. *Giffard* at once.

1865. Mr. *Giffard*.] You went to the "Friendly" inn regularly, I believe?—Yes.

1866. Used there to be anything to eat and drink there?—Yes; there was something to drink going on, and something to eat besides; they sat down to it, the same as they were going to devour a donkey.

1867. Did you pay anything?—No, I did not.

1868. Did you see anybody else pay anything?—Yes; I saw some gentleman pay.

1869. Who were they?—Mr. Berwick; I saw some gentlemen pay once.

1870. How many people used to be there?—Some 30 some nights, and some nights as high as 40.

1871. You say that as many as 30, or as many as 40, from time to time were there?—Yes.

1872. What was the largest number that you have ever seen there of an evening?—I should say about 16.

1873. How used the drink to go on?—It went on while the committee was retired.

1874. For an hour or two hours?—Two hours or three hours.

1875. Was that the sort of thing that used to be done there?—Yes.

1876. From what time to what time did you attend?—I attended there every day.

1877. For how long before the election?—For many a month before the election; it was the house I generally go to.

1878. I mean, as a member of the Irish committee?—A month.

Mr. Baron *Martin*.] How many Irish votes were there?

Mr. *Price*.] About 1,500, my Lord, I am told.

Mr. *Giffard*.] In that ward?

Mr. *Price*.] No; altogether in the town.

Mr. *Giffard*.] As I am told, it is 2,300.

Cross-examined by Mr. *Price*.

1879. You are an Irishman?—Yes.

1880. Which is the house which has the honour of your patronage?—The "Friendly" inn.

1881. Are you a voter?—No.

1882. Do you know how many of your countrymen have the privilege of voting?—Many a hundred.

1883. Many a thousand?—Many a hundred.

1884. Ten thousand?—I do not know; between 400 and 500 had voted.

1885. What committee was it that you were upon; at which house; the "Friendly" inn or the "Wild Boar"?—The "Friendly" inn.

1886. You were on that committee?—Yes.

1887. And you were employed to canvass among your countrymen?—Yes.

1888. Was it from the 8th to the 17th November; who employed you first?—It was Mr. John Kilfoyne that proposed me to be one of the members.

1889. Was he a member of the Irish committee at this house?—Yes; Mr. Kitcheman was there the same night.

1890. He proposed you to be a member of this committee, and to be employed as a canvasser?—Yes.

1891. I dare say you valued the employment at that time?—Yes, I did.

1892. How long was that before the election?—I was laid up three months before the election.

1893. When were you first employed, when you say that Kilfoyne proposed you?—About a month before the election I was made a member; before the Irish committee was formed.

1894. Those men whom you used to meet at the committee at night, I suppose were men who, like you, were employed in the same way?—Some of them; not all.

1895. Some would be committee-men only and others would be canvassers as well as committee-men?—Yes.

1896. You got altogether for the month's employment 2 l. 10 s.?—Yes.

Re-examined by Mr. *Giffard*.

1897. Did you canvass anybody?—Yes; I canvassed a few.

1898. How long were you employed canvassing altogether; I mean by that, how long did you, in fact, canvass?—

1899. Mr. Baron *Martin*.] You canvassed a few?—Yes.

1900. Mr. *Giffard*.] How many do you think you canvassed?—I think about 20.

1901. You say that there were some other men like yourself canvassers at this Irish committee; were there voters among them?—They were mixed, voters and non-voters.

[The Witness withdrew.

SAMUEL AINSWORTH, sworn; Examined by Mr. *Metcalfe*.

Samuel Ainsworth.
—

1902. Do you live at 105, North Wing?—Yes.

1903. Are you a voter?—I am not a voter.

1904. Were you the secretary of the committee which was held at the "Union Cross" inn?—Yes, I was.

1905. Who appointed you?—Mr. Kitcheman was there when the committee was formed. I was proposed and seconded, and ordered for it by the committee.

1906. Who was the chairman?—Emanuel Teall.

1907. Was Kitcheman present, when he was appointed, also?—Yes.

1908. When did you begin?—On the 1st of October the committee was formed.

1909. And did it continue to sit until the election was over?—Yes.

1910. When it was first formed, how often did you sit in a week?—Once a week.

1911. When did you increase the number of sittings?—On the 3rd November.

1912. How often did you then sit?—Every night.

1913. And

Samuel
Ainsworth.
—
27 January
1869.

1913. And day too; or what time did the sittings commence?—The men who were appointed to canvass were ordered to assemble every day.

1914. So that there was some portion of the committee sitting the whole day?—From 10 in morning till 11 at night.

1915. And sometimes later, I suppose; on the nomination day did they sit later than that?—They only sat till 11 o'clock at night; it is a beerhouse.

1916. Had you seen besides Kitcheman, Mr. Singleton, Mr. Kershaw, and Mr. Hick?—Yes.

1917. Did any of those give you directions as to what you were to do?—The order was brought to us on the 3rd November, when we were ordered to meet every night; they were to come in to audit the canvass books, and Mr. Kershaw, Mr. Hick, and Mr. Singleton were to appoint us every night in order to audit the canvass books.

1918. Was anything said about beer or refreshments?—We had plenty of beer from the first opening, and tobacco.

1919. Where you sat every night you had plenty of beer, did you?—Yes; and food.

1920. What sort of food did you get?—Beef and bread.

1921. And the refreshments were beer and tobacco?—Yes.

1922. How did it come in?—When one can was empty they ordered another.

1923. Did it come in in half-gallon cans?—Yes; on each table.

1924. Who ordered them?—There were four of them when it was ordered.

1925. Kitcheman, Mr. Singleton, Mr. Hick, and Mr. Kershaw?—Yes.

1926. To whom did they give the order?—To the landlord.

1927. What was the order given?—Some of the men were asking for something in place of having so much beer, and they went out and spoke to the landlord, and about eight o'clock at night some refreshment came in.

1928. How much have you seen in the course of one evening; how many half-gallons in those cans?—There were sometimes more and sometimes less.

1929. How many have you seen?—Between 20 and 30.

1930. Half-gallons?—Yes.

1931. In the course of the evening?—Yes.

1932. Was there always beef and bread?—Yes; after we began to meet every night.

1933. Did you get any mutton?—I do not remember mutton.

1934. Was anything said to you about keeping a check upon the refreshments which were ordered?—Yes.

1935. Did you do that?—Yes, I did.

1936. Who told you to do that?—I believe Mr. Kitcheman; but they were all together when I was ordered to do that.

1937. Did you furnish a duplicate to the landlord?—I did.

1938. Did you continue to check the accounts of the refreshments till the close of the election?—Yes.

1939. Did you subsequently make out an account with the landlord?—I did.

1940. Did you sign it?—I did.

1941. Did you hear on any occasion the landlord say anything to Kitcheman about the refreshments; about the quantities?—He com-

plained that he thought that there was a heavy bill going on.

1942. Who did?—Mr. Hopkinson; he said that he thought that there was a heavy bill going on, and Mr. Kitcheman made answer and said that they must not stop it now, as it was too near the time.

1943. Did he say anything else; did he say why?—No, sir; I did not hear him say why.

1944. Was anything said about keeping together?—Yes; he said that the men must be kept together; we must keep the committee together.

1945. On the nomination day, when did the drinking commence?—It commenced before we went down to the hustings.

1946. Early in the morning?—About nine o'clock.

1947. Did it continue all day, or when did it close?—It continued all day.

1948. On the polling day; when did it commence?—At five o'clock in the morning.

1949. Did people come in to breakfast?—Yes.

1950. Did they go from the breakfast to the poll?—Yes.

1951. Was that included by you in the account?—The amount spent on that day was included.

1952. Were some of them voters, and some non-voters?—Yes.

1953. Upon each of those days that you have been speaking of?—Yes.

Cross-examined by Mr. Price.

1954. How do you know that some of those were voters on the polling day?—They were all neighbours. I had got the burgess list there.

1955. Were they members of the committee?—Yes.

1956. Who had been working there all the time?—Yes; they had been canvassing some of them.

1957. I suppose they went about during the day canvassing and getting up the voters?—Yes; on the polling day.

1958. They came there, I suppose, to breakfast in the morning; and then those who were voters polled, and those who were non-voters went to look for the voters.

1959. When the voters had polled, they went also to look up the others?—Yes.

1960. During the time that you were there, were you a paid man?—Yes; I received some pay.

1961. How much did you get; you were not a voter?—I canvassed 10 weeks, and I got 3*l*. 10*s*.

1962. And you canvassed?—I did.

1963. Did you make any application for permission to have refreshments at any time?—Yes; there was an application made.

1964. To Kitcheman?—Yes.

1965. And up to that time, until you had made those applications, had you had any refreshments allowed?—There was ale and tobacco allowed from the first night that we opened, and that was the 1st of October.

1966. Afterwards you applied, when the work began to be heavier, for permission to have a little food?—Yes.

1967. Did Kitcheman ever give you leave to have it?—There was somebody ordered it, and it came in.

Samuel Ainsworth. 1968. You applied to Kitcheman?—Yes, I applied for one; there were others that applied as well.
 27 January 1869. 1969. That is your letter, is it not (*handing a letter to the Witness*)?—Yes.

Mr. Baron *Martin*.] What is the date of it?

Mr. *Price*.] The 9th of November 1868. "Sir, it is the desire of the canvassers of this committee that they may have a little food during the day, as many of them have not the means of subsistence."

1970. (To the *Witness*.) Did you ever get any answer to that from Kitcheman, allowing you to have food?—I do not know.

1971. Did you get any answer to that?—No, not for the daily allowance of food; I never got any answer.

1972. Is that your's (*handing another letter to the Witness*)?—Yes.

1973. Do you remember the date of that?—I do not.

1974. Was that written after the other one?—I cannot say.

1975. This is it: "Our committee are assembled here, and they are anxious for some refreshment, and the landlord, Mr. Hopkinson, wishes a note from you. I am, dear sir, yours truly, Ainsworth, Secretary." Did you get any answer to that?—No; I got no answer to any letter.

1976. I understand that all you ever got in the way of information as to refreshments from Mr. Kitcheman was, that he ordered you to keep a check?—Yes.

1977. You were the secretary of this place, were you?—Yes.

1978. Do you know that a great part of the landlord's account has been disallowed?—I do not. I never heard anything about it since the checks were given into the landlord.

1979. You say you made out a bill with the landlord?—I did.

1980. How large was the majority when it was in the strongest force?—We have had as many as 46 there.

1981. Mr. Baron *Martin*.] Was every voter that came there called a committee-man?—They were all on the committee, the voters that were there.

1982. Mr. *Price*.] Were they put down on the list?—Yes.

1983. There was a number of non-voters also on the committee?—Yes.

1984. During the time that you were there, were refreshments supplied to anybody but the committee clerks and messengers?—Not that I am aware of.

1985. Kitcheman said that you must keep the committee together?—Yes.

1986. And a great number of those men were men who were literally without the means of subsistence?—Plenty of them had lost their work.

1987. You were out of work, were you not?—Yes.

1989. And a non-voter?—Yes.

1989. Have you been to Mr. Kitcheman with respect to this inquiry?—Mr. Kitcheman sent for me on Sunday evening.

Re-examined by Mr. *Giffard*.

1990. Did you go to him?—Yes, I did.

1991. Did anything pass between you?—He sent to me at Swift's public-house, the "Fox and Hounds," and when I went in he told me to sit down. I sat down there; I at last had a glass of whisky, and then he asked me to make out a list of the men who were reported to have taken bribes, and I did so.

1992. When was this?—It was on a Sunday evening.

1993. What time was it when this occurred?—It would be three weeks or a month since, now.

1994. And you did so?—Yes.

1995. And gave it to him (Kitcheman)?—Yes.

1996. Mr. Baron *Martin*.] Of the men who were said to have taken bribes?—Yes.

1997. Mr. *Giffard*.] What more passed between you?—He asked me to go to his house, and I did so. I had some more whisky there, and I got that drunk that a man had to take me home.

1998. Before that what passed between you and Kitcheman?—After I got fresh I cannot tell.

1999. But before you got fresh, what took place?—He gave me the list of the names, and told me to visit those men and to see how they stood.

2000. Just use his words if you can; is that what he said, to see "how they stood"?—Yes; to see how they stood towards us.

2001. Was that all?—Yes; and I went.

2002. I think you say that he sent for you again?—This man came for me; I went, and he asked me what progress I had made, and I told him.

2003. What did you tell him?—I told him that most of them were against.

2004. Mr. Baron *Martin*.] Hostile to you?—Yes.

2005. Mr. *Giffard*.] Did you have any whisky then?—No; I had two glasses of ale.

2006. Was that all that passed?—Yes; I have never seen him since till I saw him yesterday.

2007. Did you give him the list?—I gave him a list. I cannot understand which list you mean.

2008. Did you give him more than one list?—Mr. Kitcheman has got it; I left it with him.

2009. Can you tell me how many people you visited in consequence of his directions?—Eight or ten the first time.

2010. Did you visit any more afterwards?—I could only see two the next day until evening.

[The Witness withdrew.]

JOHN BRAY, sworn; Examined by Mr. *Mellor*.

John Bray. 2011. Do you live at No. 58, Cross Sun-street, in Bradford?—Yes.

2012. About three weeks before the election, did you join the committee at the "Friendly Inn"?—Yes.

2013. Who invited you to join that committee?—Patrick Darcy.

2014. What was he?—Chairman.

2015. Mr. Baron *Martin*.] Are you a voter?—No.

2016. Mr.

2016. Mr. *Mellor*.] About the 7th November, did you go to the "Oak" inn?—Yes.

2017. What did you go for?—There was a meeting of the committee there that night.

2018. What time did you get to the "Oak" inn?—About nine o'clock at night.

2019. Who were there at that time?—There was the Irish committee that night.

2020. The committee did generally meet at the "Oak" inn?—No; they met there that night.

2021. Did Kitcheman come in?—Yes.

2022. What time did he come in about?—About 10 o'clock.

2023. Did any body come in with him?—Jerry Ryan came in with him and Moses Quigley.

2024. After the meeting, did anybody give you anything?—Yes; I received a sovereign.

2025. Who from?—From Jerry Ryan.

2026. In the course of the evening did you see the landlord bring anything to Jerry Ryan; any account?—Yes; he brought an account of the refreshments that came in during that night.

2027. What was the amount of it, do you remember?—Either 19s. 10d. or 19s. 2d.; I cannot say which.

2028. How many people had been there that night?—About 20.

2029. Had there been drinking from the time you went in?—Yes; from the time I went in till shutting up time.

2030. When the landlord brought this account to Ryan, what did he say?—He told him that he would see to it, and it would be all right.

2031. Did Ryan take the paper?—Yes.

2032. Did he sign it?—Yes.

2033. About the 14th of November, did you meet Ryan near the Exchange?—Yes.

2034. Did he give you any thing there; any money?—Yes.

2035. What did he give you?—£. 3.

2036. Mr. *Baron Martin*.] What is this Ryan; what is his business?—He is a labouring man.

2037. Mr. *Mellor*.] Did he tell you what you were to do with it?—Yes; I was to divide it between another man and myself.

2038. What was the other man's name?—William Hogan.

2039. What did you give Hogan?—30s.

2040. That night did you go to a meeting of the committee at the "Friendly" inn?—Yes.

2041. Who was in the chair; was Darcy there?—Yes; Darcy was there.

2042. What time did you get there, about what time?—Seven o'clock.

2043. Did Berwick come in the course of the evening?—Yes, he did.

2044. Who came in with him?—I cannot say who came with him.

2045. When Mr. Berwick came in, how many people were there there?—They would be up to 18 or 19 men.

2046. What were they doing?—They were all sitting in the room; they were expecting some refreshments.

2047. Were they drinking?—Yes, they were drinking.

2048. Did Mr. Berwick say anything when he came in?—Yes; he asked us "How we were enjoying ourselves."

2049. What did he say besides that?—I believe there was a bit of bother on account of the chairman; he had thrown up the chairmanship that night.

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2050. Was that before Mr. Berwick came in?—Yes; it would be before Berwick came in.

2051. You say that Mr. Berwick asked you how you were enjoying yourselves?—Yes.

2052. Did you say anything?—They said that they wanted some more refreshments.

2053. When they said that, what did he say?—He said he would see about it.

2054. What did he do when he said that; did he order any?—No.

2055. After he came in, was any ordered?—Yes, there was some ordered.

2056. Who ordered it?—I think it would be Mr. John Kilfoyne, the vice chairman.

2057. How much did he order?—Half a gallon of ale.

2058. What sort of glasses had you before Berwick came in?—It was tot glasses, and then it came to gill glasses.

2059. Are tot glasses smaller glasses than gills?—Yes.

2060. After he came in you had bigger glasses?—Yes, gill glasses.

2061. How long did he stay?—He went away and came back a second time.

2062. How long did you stay there drinking?—While 11 o'clock.

2063. Were the others drinking all the time?—Yes, all the time.

2064. Did you pay for any of it yourself?—No.

2065. After the election, did you see Darcy?—Yes; I saw him many times after the election.

2066. Were there any voters present on the evening we have been referring to?—Yes.

2067. Can you tell me their names?—Yes.

2068. Patrick Nolan, was he there?—Yes.

2069. Corcoran and Patrick Simmons?—Yes.

2070. James Foley and Patrick Rowney?—Yes.

2071. And Edward Day?—Yes.

2072. Richard Conroy?—Yes, they were all there.

2073. And they were all voters?—Yes.

2074. After the election, did you go to Mr. Terry?—Yes.

2075. Did he give you anything?—Yes, I got some money from him.

2076. How much?—It would be 12 l. altogether for seven of us.

Cross-examined by Mr. *Price*.

2077. Is that the whole that you got for your services?—I did not get it for my own services.

2078. You got 3 l. before?—Yes.

2079. Half of it was for you and the other half for Hogan?—Yes.

2080. How long had you been working before you got that 3 l.?—A fortnight.

2081. Night and day?—Yes.

2082. I believe you are not a voter?—No.

2083. Had Hogan been also canvassing?—I believe he was.

2084. And you were paid by Ryan for canvassing, were you not?—Yes; I was paid for work.

2085. When Mr. Berwick came, I think you say that he refused to order any refreshments; are you sure that the refreshments that were ordered later in the evening were ordered whilst he was present, or after he had gone out?—

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There

John Bray.

27 January
1869.

John Bray.
27 January
1869.

There was half a gallon of ale ordered when he came in; he went away and came back, and then more refreshments were ordered while he was there during the night.

2086. Who ordered them?—Mr. Berwick.

2087. You said just now that he refused to order them?—No, I did not.

2088. Do you mean to say that he did order any?—He went away and came back again, and then ordered refreshments.

2089. Will you swear that there was any drink on the table when Berwick went in?—There was drink on the table when Berwick came in.

2090. Have you been to Mr. Hargreaves' office?—Yes.

2091. How many times?—Once.

2092. Have you been to a beerhouse kept by a man of the name of Richard Delaney; about a fortnight ago were you there?—Yes.

2093. And a number of other witnesses who have given evidence here, or are to give evidence?—None with me.

2094. You were there alone, were you?—No, I was not there alone.

2095. Who was with you, any of the witnesses?—None of the witnesses that gave evidence here.

2096. Any of those that are to give evidence?—I do not know.

2097. What did you go there for?—I went on business.

2098. What business?—Nothing of my own.

2099. What was it, then?—I went to two joiners that were doing work there.

2100. Had you plenty to eat and drink?—No.

2101. Did you have no drink?—No drink.

2102. What did you see of the joiners there, at Delaney's?—They went to be paid for their work, and I went with them.

2103. What were the names of those two joiners, and what was the work they had been doing?—They were putting a door up, and trying to make this house into a beerhouse, and a partition.

2104. And you went with them to see them do it?—I went to see them get paid for their wages for their work, that was all.

2105. What did you go to Mr. Hargreaves for?—I went to give him information.

2106. Were you sent for?—No, I was not sent for.

2107. You volunteered?—Yes.

2108. Did you hear that there was any money going about?—No.

2109. What made you volunteer; were you doing any work at this time?—Yes.

2110. What were you doing?—I was labouring with masons.

2111. When was the last work you did?—The last stroke of work was done on the Monday.

2112. Before that were you out of work?—It was a wet day; I was taking that day on account of being wet.

2113. Did you hear that Mr. Hargreaves was getting up this case?—Yes.

2114. Did you hear that there was money going about?—No.

2115. You swear that?—Yes.

2116. You heard that he was getting up the evidence?—Yes.

2117. Had you seen any advertisements in the papers asking for people to give evidence; advertising for people to come?—I think there was an advertisement in the ward; but I am not sure what it amounted to.

2118. Was it not that which made you go to Mr. Hargreaves?—No.

2119. Who told you that he was taking evidence?—I heard it myself; I heard men talking of it among themselves.

2120. What men?—Many men.

2121. Did Lamb and Coyne tell you that Ryan had got 100*l.*?—No, I was never speaking to them.

2122. Did Lamb or Bowen tell you that Ryan had got 100*l.*?—I was taken to Lamb, but he never told me what Ryan received; I have never seen Bowen.

2123. Did Lamb tell you?—He did not.

2124. What did he tell you about Ryan?—Nothing; only he heard that he was going away, and that he had given his evidence; that was all.

2125. Do you swear that he did not tell you that he had money?—Yes.

2126. Did you ask Mr. Hargreaves for any money?—None at all.

2127. Were you out of work at that time?—I was lagging that day.

2128. Were you out of work altogether?—No.

2129. Did you ask Mr. Arnold for any money?—No.

2130. Did you see him there?—Yes.

2131. Did you see any of the other witnesses?—I saw no one there.

[The Witness withdrew.]

WILLIAM STEWART, sworn; Examined by Mr. Metcalfe.

W. Stewart.

2132. ARE you a porter to the Midland Railway?—Yes.

2133. Were you at any time shortly before the election lodging at the "Friendly" inn?—Yes.

2134. When the election first began to be agitated here, was there a room taken at the "Friendly" inn by anybody?—Yes.

2135. Which party?—Mr. Myall and Mr. Forster, I believe.

2136. And there were papers in the window, I believe?—Yes.

2137. Some time after that did Mr. Kitcheman make his appearance at the "Friendly" inn?—Yes.

2138. What did he say or do?—He wished to to engage a room.

2139. Who was the landlord?—Alfred Dewhurst.

2140. Did he say anything about the price?—He asked him how much he would charge him for a room for the occasion that evening; and the landlord said 4*s.*, I think.

2141. Did Mr. Kitcheman take it?—He gave him 4*s.*, I believe.

2142. What took place then?—The landlord brought two gallons of beer in.

2143. Was anybody with Kitcheman?—One on each table.

2144. But

W. Stewart.

27 January
1869.

2144. But did anybody come in with Kitcheman?—No, he was there by himself.

2145. But he did not want two gallons for himself?—I mean with the men that were in the room; connected together in the room.

2146. There were men in the room, were there?—Yes.

2147. When did those men come in?—They had been there before.

2148. Was that the room that was used by Mr. Forster's and Mr. Miall's party?—No, this was in the tap-room.

2149. Then Kitcheman took it, and he ordered in two gallons of beer, and at last they were brought in; what took place then?—He spoke and discussed the qualities of Mr. Ripley.

2150. Was that Kitcheman?—Yes; at great length.

2151. I suppose he spoke of all his good qualities?—Yes; I did not mean any bad qualities.

2152. Was that said publicly to the men that were drinking there?—Yes.

2153. Then, what took place?—He wished them to favour him with their votes; those who had any.

2154. Did he ask them to hold up their hands, those that were in favour of Mr. Ripley?—Yes.

2155. That was after the beer was consumed, I suppose?—No; during the time it was being consumed.

2156. How long did this go on?—Until 11 o'clock.

2157. Did Kitcheman go at 11 o'clock?—

2158. Mr. Baron *Martin*.] When did it begin; at what hour?—I daresay about nine.

2159. From 9 to 11?—Yes.

2160. Mr. *Metcalfe*.] What became of Kitcheman?—He went down to the "Wharfe" hotel, after that.

2161. Did you go with him?—I followed; I did not go with him particularly.

2162. What took place there?—He spoke here again.

2163. Was there beer there, too?—Yes.

2164. Was that speaking in favour of Mr. Ripley?—Yes.

2165. Were they all again invited to hold up their hands?—Not that I know then.

2166. Was there beer there?—Yes.

2167. At either of those places did anyone say for the beer?—I did not see any.

2168. You did not pay, I suppose, for what you had?—I did not.

2169. While at the "Wharf" hotel, was there a person of the name of Clarke speaking in favour of Mr. Forster and Mr. Miall?—Yes.

2170. While that was going on, did Kitcheman say anything?—Yes; he called them into the best room.

2171. Who did he call in?—He called in Clarke, and I heard him say something, "as he would buy him over if it cost him 2*l*," or something of that amount.

2172. That was the man who was speaking in favour of Mr. Forster and Mr. Miall?—Yes; or some words to that effect.

2173. Was that before he took him into the best room or after?—It was before; at the bar.

2174. In what way was the beer brought in; in glasses?—I did not go into the best room.

2175. In the other room, where the drinking

was going on, how was it brought in?—If I remember right, it was in half-gallon measures.

2176. Did you leave Kitcheman there?—Yes; he went into the best room with Clarke.

2177. How did you go on at the "Wharf" hotel?—I do not know. I cannot say any more after that. It was after 11.

2178. Did you make out the accounts for the landlord of the "Friendly" inn?—I remember making out one or two accounts for him.

2179. You assisted him in making them out?—Yes.

2180. Which were charged to the committee?—Yes.

2181. Shortly after that visit, you say that the "Friendly" inn was for Mr. Forster and Mr. Miall, and you have told us of Kitcheman, whose committee-room was there; which was it for; Mr. Forster and Mr. Miall, or Mr. Ripley?—Mr. Forster and Mr. Miall, previously to that.

2182. Shortly after that, which was it; was it Mr. Ripley after that?—It did not continue; it became Mr. Ripley's after that; some time after that.

2183. After that visit of Kitcheman?—Not immediately after the visit of Kitcheman, but shortly after that.

2184. Then, were Mr. Ripley's bills, instead of Mr. Forster's and Mr. Miall's bills, put on the house?—Yes; and the others were taken down.

2185. Did Kitcheman frequently come there, after that?—Yes.

2186. Did you see people in the committee-room, a number of people?—Yes.

2187. From time to time?—Yes.

2188. Did you see what went on there?—I saw drinking and sometimes eating go on.

2189. As to the accounts that you made out for the landlord; were they for the eating and drinking that you say was going on?—There was nothing else in the house.

2190. You made out the accounts for the landlord; were they for that eating and drinking?—Yes; for those refreshments.

2191. Did that continue till the election?—Yes.

2192. Who paid the bill, do you know?—I cannot say. As far as that goes, I saw one bill paid.

2193. Who paid it?—Marshall Hambly.

2194. What bill was that; how long was it before the election?—I made it out on the Sunday morning; the Sunday morning but one previous to the election.

2195. That would be the 6th?—Yes, about the 6th or 7th. I do not remember the date rightly.

2196. Did that pay for all up to that time, or was it merely for one day that Marshall Hambly paid?—As far as I understood it was for one night.

2197. Are you a voter?—No.

2198. When you have seen Kitcheman there, did he go into the committee-room?—Yes.

2199. Had you heard him say anything to people there about the drinking or eating?—No; nothing particular.

2200. Did you hear him say anything at all about eating or drinking?—Nothing. I did not hear him say anything, not very particular.

2201. Who gave the orders?—The landlady gave them.

G

Cross-

W. Stewart.

Cross-examined by Mr. Price.

27 January
1869.

2202. Did you say that you were a railway porter?—I was then.

2203. I thought so; when did you leave that employment?—About a fortnight ago.

2204. What did you leave it for?—I left it of my own accord, as I was not well. I can go back, I believe, if I like, but I am not well yet.

2205. What is the matter with you?—I have had a severe cold.

2206. Who has been keeping you since you left the Midland railway?—I met Colonel Horringe from Halifax, at the railway station, and he gave me a sovereign.

2207. Have you been to Mr. Hargreaves' office at all?—Yes; I remember being there.

2208. How many times have you been there?—I do not know how many times I have been there.

2209. You do know and you shall tell me; how many times have you been there?—I do not remember; but a few times.

2210. Have you been there 20 times?—No.

2211. A dozen times?—I might have been there a dozen times.

2212. Have you seen Mr. Arnold there?—Yes; I saw him there once or twice.

2213. Did you hear that there was any money going for evidence?—No, I did not.

2214. You never heard that?—No.

2215. Did you see any placards on the wall advertising for evidence?—No.

2216. How came you to go to Mr. Hargreaves' a dozen times?—I went on business.

2217. What business was it?—It was my own business.

2218. But what was it?—I went to see other men who were there.

2219. Who were they?—Such as other men.

2220. Do you mean other witnesses?—I do not know whether they were witnesses.

2221. What were their names?—I do not know their names.

2222. What were their names; was Conroy one of them?—Conroy might have been one.

2223. Was there anybody else there?—I am not aware of anybody else.

2224. What did you want to see Conroy for, at Mr. Hargreaves'; why not to go to his own house?—Because I could not find him at home.

2225. Were you told that he was at Mr. Hargreaves'?—No.

2226. What did you go the other 11 times for?—I did not say I had been a dozen times.

2227. You said you might have been a dozen times?—Yes. I might have been, and I might have been less.

2228. What had you been for on the other occasions when you went?—I do not know that I had been a dozen times.

2229. What have you been there for; what did you go for at other times?—I went to make a statement.

2230. What, the other times?—I went to see Mr. Arnold another time.

2231. What did you want to see him for?—About the letter.

2232. What letter?—That which I sent to the committee.

2233. To whose committee; Forster and Miall's?—Yes.

2234. What did you send a letter there for?—To let them know about the treating that was going on at the "Friendly" inn.

2235. When did you send this letter to Forster and Miall's committee?—I do not remember.

2236. You cannot remember when?—No.

2237. How long before the election; was it before the election?—No; it was after the election.

2238. Did you apply for payment to Mr. Terry as a canvasser?—I remember something about it.

2239. Did not he refuse to pay you and then you wrote to Forster and Miall?—Nay; I wrote before then.

2240. Will you swear that?—Yes.

2241. Did you not apply two or three times to Mr. Terry to be paid, and he always refused you?—Until afterwards.

2242. After what?—He did not refuse to pay me.

2243. You swear that, do you?—Yes; he said that I would be settled with eventually, and that he had no power to do it.

2244. Had you ever canvassed?—No.

2245. Do you mean to say that Mr. Terry ever said that he would let you have anything?—I had a book.

2246. Did Mr. Terry ever tell you that you should have anything?—I would not have gone to ask for it, but I was put up to it by the chairman.

2247. Did Mr. Terry ever hold out to you any promise that you should have a farthing?—He said that eventually everybody would be settled with.

2248. Did he ever hold out any promise to you?—Not particularly nor to anybody else.

2249. Was that after you had written to Forster and Miall?—It was before that.

2250. Why did you write to them if you had had a book from Mr. Ripley?—I did not consider myself a canvasser.

2251. Were you a spy?—No.

2252. Why did you write to Mr. Forster and Mr. Miall?—To let them know what was going on.

2253. But if you had had a book, was that honourable?—I was not a canvasser, but the chairman gave me a book.

2254. And you asked to be paid as if you had been a canvasser?—The chairman put me up to it.

2255. After you had written to Mr. Forster and Mr. Miall to give them information you applied to Mr. Terry to be paid money as a canvasser?—I was put up to it.

[The Witness withdrew.]

JAMES ROWNEY, sworn; Examined by Mr. Mellor.

J. Rowney.

2256. Do you live at No. 5, Carver's-court, on the Hartley-road?—Yes.

2257. You are a voter for the East Ward, are you not?—Yes.

2258. About three weeks before the election did you see Kitcheman at the "Oak" inn?—Yes.

2259. What

J. Rowney.
27 January
1869.

2259. What did he say to you?—He shook hands with me.

2260. What did he do then?—He was speaking to another gentleman.

2261. What did he say to you?—He said that he would see me “all right.”

2262. Mr. Baron *Martin.*] In what way?—I could not say.

2263. Tell us all about it?—He did not say anything more; not to me.

2264. Mr. *Mellor.*] Was that all that passed between you on that occasion?—He was talking to Jeremiah Ryan.

2265. They were talking together, you say?—Yes, they were.

2266. Did Ryan say anything to you?—No, he said nothing to me.

2267. How long did you stay at the “Oak” inn?—We were about two hours there.

2268. Were there other persons there?—There were about 20 persons there.

2269. What were you doing there?—Drinking some beer.

2270. Did you pay for it?—No; I did not see anyone pay for it.

2271. Were there any other voters there besides yourself?—Yes; there had been five or six voters there.

2272. Were they all drinking?—Yes; they were all drinking except one or two. I do not know whether they were voters or not. William Bowen was not a voter; he had a vote, but he did not vote; he was there.

2273. Before then, had you had any conversation with Ryan?—Not that day.

2274. What did he say to you?—He said that I should join him; he said that he should put my name down, but he did not put my name down at the time; it was not he that done it; it was a fellow of the name of John Kilfoyne and Maurice Malone.

2275. Did anybody say to you what you were to get?—No; they said that there would be money before the election; some brass before the polling day.

2276. Mr. Baron *Martin.*] Who said that?—Jeremiah Ryan.

2277. Mr. *Mellor.*] Did you ever get any brass?—Yes; I got 1*l.* from William Bone, at the “Ring of Bells.”

2278. Who was present when you got the 1*l.* from William Bowen?—Lamb.

2279. Was anyone else present?—No one else.

2280. Mr. Baron *Martin.*] When was that?—On the Saturday evening before the polling day.

2281. Mr. *Mellor.*] Where was it that you got the 1*l.* from William Bowen?—It was opposite the “Ring of Bells.”

2282. Did you see Ryan at all that day?—Yes; I saw him opposite the Exchange, standing on the street.

2283. Had you been inside the “Ring of Bells” before you got the 1*l.*?—I was not inside the “Ring of Bells,” not that day; I had not been that day.

2284. Had you seen Ryan before you got the 1*l.*?—Yes.

2285. How long before you got the 1*l.* had you seen Ryan?—An hour.

2286. Had he said anything to you?—Yes.

2287. What had he said to you?—He saw me standing at the Exchange; me and two other

men, and he bid me to go to the “Harp of Erin,” to stop there, and take those two men with me; and he said he would see me in a bit; we did do so.

2288. How many people were there at the “Harp of Erin”?—About six.

2289. What were they doing?—They were doing nothing when we went in; we went upstairs and had two half gallons of ale.

2290. Did you pay for it?—No.

2291. Did anyone?—I did not see anyone pay.

2292. Did you see Ryan again?—Not that day; afterwards I saw him, on the Sunday.

2293. Did he say anything to you on the Sunday?—I had not seen him, not on the Sunday; I had not seen him until the night —

2294. How long after you had been to the “Harp of Erin” did you see Ryan?—Five or six times; six times.

2295. Mr. Baron *Martin.*] Did you ever get any more money?—I got 2*s.* of Jeremiah Ryan.

2296. Mr. *Mellor.*] How long before the election was that?—It was nine days before the polling day.

2297. Did you go to any other public-house?—I went to the “Wharf” hotel after getting the 1*l.*

2298. How many people were there there?—A good many.

2299. What were they doing?—They were drinking a good deal of ale or whisky, but they were paying for it, I suppose.

2300. Did you get any?—No; not only what I paid for.

Cross-examined by Mr. *Price.*

2301. The “Wharf” hotel was not Mr. Ripley’s house, was it?—No.

2302. Can you give me any idea of how many of your countrymen have the privilege of voting in this place?—I could not say.

2303. Mr. Baron *Martin.*] Have you been a committeeman?—Yes.

2304. Mr. *Price.*] Are there as many as 3,000 or 4,000?—I cannot say; I am not a scholar.

2305. Did you ask to be put on as a canvasser?—No.

Mr. *Giffard.*] We make the number 2,300, and I think we might agree upon that without troubling the Witness.

2306. Mr. *Price.*] Were you out of work at this time?—No; I was in work.

2307. Where were you working?—Down at Mr. Garnett’s mill.

2308. Were you in regular work?—Yes; I was working for a contractor to build some cottage houses.

2309. Mr. Baron *Martin.*] What are you?—I am a bricklayer’s labourer.

2310. Mr. *Price.*] Were you in employment at this time?—Yes; I was.

2311. Were you working during the day?—Yes.

2312. Did you ask to be put on as a canvasser?—I had not.

2313. Did you ask to be put on as a canvasser?—No, I did not; they put me on.

2314. Did you ask to be put on?—I could not ask as I could not write.

2315. But you could have asked; you were not dumb?—No.

J. Rowney.
27 January
1869.

2316. Did you ask to be put on?—Yes; the last week.

2317. Mr. Baron *Martin*.] Did another man ask you to be a canvasser?—Yes; a man asked me.

2318. Mr. *Price*.] Who was that?—The secretary.

2319. Did not you ask to be put on as a canvasser?—No.

2320. Were you not told by Ryan that if you were put on, as you were a voter, you must not vote?—I was not; nothing of the kind took place.

2321. Did you tell him that you were a voter?—He knew that.

2322. Did you tell him that you were a voter?—Yes; but he knew that.

2323. Did not Ryan tell you that if you were put on as a canvasser you must not vote?—No; nothing of the sort.

2324. Nobody told you that on Mr. Ripley's committee?—Nobody told me that.

2325. Are you in employment now?—Not at present; I have been poorly.

2326. Have you a cold; did you catch a cold in Mr. Hargreaves' office?—I have not been in only twice.

2327. Was the cold upon you when you went there?—No; I had not a cold then.

2328. Who introduced you to Mr. Hargreaves?—I cannot say who he was; I do not know him.

2329. Who introduced you to Mr. Hargreaves; who took you there?—I did not know the man; he was a strange man to me.

2330. How did this strange man pick you up?—He got me in the Bolton-road.

2331. Do you see him anywhere here to-day?—No.

2332. Had you seen him about the court yesterday, or did he come with you this morning?—No.

2333. When did you see your friend last?—I cannot say.

2334. Did he say that it would be a good thing if you would go down to Mr. Hargreaves' and make a statement?—He did not tell me anything of the kind.

2335. What did he say to you to take you down there?—He said that I was to go down or I would get two years if I did not go down.

2336. Then you went down, thinking that you would have two years if you did not go?—Yes; I thought that.

2337. The stranger told you that you would have two years if you did not go, and you went?—Several men told me so.

2338. Tell me the names of some of them?—

I do not know their names; they were strange men altogether; I do not know their names.

2339. Have you seen any of those men who told you that you would have two years if you did not go?—Not to-day; I have not seen one of them.

2340. Who told you that you would be wanted there?—Some of them told me.

2341. Do you know Bowen?—Yes.

2342. Did Bowen tell you that you would have to come?—He did not tell me anything of the kind.

2343. Did you have any talk with him about it?—No.

2344. Did you hear that there was any money going?—Yes; I heard tell of that.

2345. Did you hear that Jerry Ryan had got 100 l. for his evidence?—I do not know anything about that.

2346. Did you hear that somebody had got 100 l.?—No; I did not.

2347. Did you hear anything about any man getting any money for his evidence?—I never heard of any man getting money for his evidence.

2348. Am I to understand that you really cannot give any account of how you went to Mr. Hargreaves, except that two or three strangers told you that you would get two years if you did not go?—Yes; they told me that.

2349. And down you went like a lamb and gave your evidence?—Yes.

2350. Have you had any money given you since you have been there?—No; I have not had any money from any of them.

2351. How have you supported yourself?—I have two lads, and they are working for me.

2352. Where are they working?—I do not know; but one was at Mr. Elliott's, the dyer.

2353. Is he there now?—Yes.

2354. What age is he?—About 23.

2355. And he is your son?—Yes; that is, he is a step-son.

2356. He is keeping you, at all events?—Yes; he delivers up his brass to his mother.

2357. How many times did you go to Mr. Hargreaves, altogether?—Twice. I never went more than that.

Re-examined by Mr. *Giffard*.

2358. You say that you can neither read nor write?—Yes.

2359. Did you ever have a canvass-book given to you?—I did not.

[The Witness withdrew.]

PATRICK CONNOR, sworn; Examined by Mr. *Giffard*.

P. Connor.

2360. Is your name Patrick Connor?—Yes.

2361. Are you a voter for the East Ward?—Yes.

2362. Do you remember meeting Jeremiah Ryan early in November last?—Yes.

2363. Was it opposite the "Harp of Erin" that you met him?—Yes.

2364. What passed between you and Ryan?—He said, "Connor, you are the man I want to see;" and I said, "What for?" He said, "I want you to join a committee that is going to be opened to-day." I said, "Where?" He said, "At the 'Harp of Erin.'" I did not know at

the time that it was a licensed house to sell out; an inn, but it had been that week; so I said that I agreed to join that committee.

2365. Did you hear anything from him as to what would be the result if you joined the committee; what would happen to you?—He said, "It will be better for you to have a few pounds in your pocket and join the committee, than have anything to do with Miall."

2366. And you consented, did you?—Yes.

2367. Did you become a member of the committee?—Yes; on the Monday following.

2368. Did

2368. Did you vote a plumper for Mr. Ripley at the election?—Yes.

2369. Did you receive any money from Jeremiah Ryan at any time before the election?—On the Saturday night before the election I received one half sovereign in the “Harp of Erin,” by himself and me; and I signed a document with my own handwriting, and I asked him what it did contain, and he said it was nothing, only a matter of form that he had paid me. After that, on the Sunday following the Sunday before the election, I went to Jerry Ryan on the Sunday night, and I asked him how was he going to do with me, and he said, “I promise you 30s. or 2l. to vote for Mr. Ripley;” and then on the Monday, the nomination day, I asked him again, and he said I should be underpaid from the time I joined 6s. a day; and he said, “You vote for Mr. Ripley, and I will see you all right.”

2370. How much did you get altogether?—Fifteen shillings.

2371. Now, go on and tell us what took place?—After the election was over I met Jeremiah Ryan, and I asked him for my money, and he said that he had not got it himself yet, and that he could not give it to me. On the Thursday after the election I met him again at the “Wellington” hotel, and I asked him there again for it, and he said, “There are so many bothering me; you as well as the rest; I have not got it myself, and I cannot give it you. When I get it, if you will only hold your noise, I will see your money right.”

2372. Did you go constantly to the “Harp of Erin” after you were on the committee?—Yes; but not so very often after.

2373. From the time that you were on the committee at the election, did you go to the “Harp of Erin”?—Yes; every night.

2374. What was going on there in the way of eating and drinking?—There was bread and cheese and beer, and tobacco and cigars.

2375. Did you pay for anything?—I paid for one quart of ale on the Sunday myself.

2376. Was that the only thing you ever paid for?—Yes; the only thing during that week.

2377. Did you see anybody else pay?—No; only on the Sunday.

2378. How many people were the company there when you were there at night?—There used to be from 15 to 20, and sometimes more.

2379. What did the committee-men do?—They did nothing; they only assembled there and talked things over.

2380. And something else, I think; I suppose they ate and drank?—Yes.

2381. And they smoked?—Yes.

2382. Was there any particular qualification for a committee-man?—I could never see any.

2383. It was anybody that liked to join?—Yes.

Cross-examined by Mr. Price.

2384. You could not see any qualification in yourself for a committee-man?—No.

2385. Mr. Giffard.] I wish to ask another question; did you afterwards get paid when you went down to Mr. Terry’s?—Yes.

2386. What did you get paid there?—I got paid there as a canvasser.

2387. How much were you paid?—Five shillings.

2388. How came you to go to Mr. Terry’s?—By the instructions of Jerry Ryan.

28.

2389. To put in your claim there as a canvasser?—Yes. P. Connor.

2390. Mr. Price.] You saw no qualification in yourself even for a committee-man?—No, any more than putting my name down there, and appearing there every night.

2391. And drinking?—Yes.

2392. And eating?—Yes.

2393. And taking money for it?—Yes.

2394. And then going and telling the other side what you knew; that was your qualification for a committee-man?—Telling what other side?

2395. Telling Mr. Hargreaves what had taken place?—Yes, I then told Mr. Hargreaves.

2396. You put yourself down for a committee-man without a qualification, and then you ate, and drank as much as you could and got money, and then you went and told the other side all about it?—Yes.

2397. Is that what your countrymen generally did at the last election?—I believe that a good many have done that way.

2398. And on both sides?—I do not know about both sides; I know about this side, but not about the other.

2399. Your principles were Miall, but your pocket was the other way?—Yes.

2400. You put your principles in your pocket, did you not?—Yes, I must have.

2401. Is that what your countrymen do?—It might have been that way.

2402. Who has given you money on the other side; who has been employing you?—Mr. Sutcliffe.

2403. Who is he?—He is a cotton spinner.

2404. Is he not a great Miall man?—I cannot tell you what he is.

2405. How came you to get into his employment; when did he take you on?—It was after the election.

2406. After you had been to Mr. Hargreaves?—Yes.

2407. Did Mr. Hargreaves give you a letter of introduction to him?—No.

2408. How did you get to Mr. Sutcliffe?—By a man they called Michael Lamb.

2409. He took you, did he?—No; before the election I was under notice where I was working; I can give you an answer to that; I was losing my work and I spoke to Lamb about it, and he said that he would see a certain party for me and get me a job; that was before the election at all; and then he got me work when there was a vacancy.

2410. And he got you work at Mr. Sutcliffe’s?—Not he; he spoke for me, and I went myself and got it.

2411. What are you; what is your employment?—I am a stripper and grinder in a cotton mill.

2412. When did you begin to work at Mr. Sutcliffe’s?—It would be almost two months ago.

2413. Was it not on the 1st December?—I cannot tell you.

2414. Was it not as late as the 1st December last?—It would be somewhere about that time.

2415. You put yourself down at 2l., did you?—Yes.

2416. What had you done for it?—I had done nothing.

2417. Did Mr. Hargreaves give you half-a-crown?—Yes, I believe he did.

G 3

2418. What

27 January 1869.

P. Connor. 2418. What was that for?—It was with regard to charity; I was out of work.
 27 January 1869. 2419. But you had a friend in Mr. Sutcliffe to go to; Lamb had got a place for you there?—No; he had not at that time.

2420. I thought he had promised you that before the election?—He promised me to get me work before the election, but there was no vacancy then; there was afterwards for me.

2421. Did you get that half-a-crown on the day after you went into Mr. Sutcliffe's employment?—Yes, I believe I did, but I cannot say whether I did or no; I cannot recollect the day, not exactly.

2422. You got 10s. from Ryan altogether, did you not?—Yes.

2423. Did you tell him that you had canvassed?—Yes, I might have told him so, but I did not.

2424. And yet you claimed money for canvassing?—No; I never told him any such thing, that I canvassed a man yet, and I never have.

2425. You stated just now that you might have told him?—Yes; but a man says many a thing that he does not recollect.

2426. Did you go with the other canvassers to Eastbrook House to be paid?—Yes.

2427. Have you not told Kitcheman since then that you had not been a quarter paid for the work you did?—No; I have never told him any such thing.

2428. Nothing of the kind?—Never.

2429. Not in Mr. Blake's office on Saturday night?—No; I never told him any such thing.

2430. That you swear?—Yes; I will swear it.

Re-examined by Mr. *Giffard*.

2431. When did you apply for work to Mr. Sutcliffe; you went there before the election, did you not?—Yes; it was Mr. Lamb.

[The Witness withdrew.]

JOHN MULLINS, sworn; Examined by Mr. *Metcalf*.

J. Mullins. 2432. ARE you the landlord of the "Harp of Erin"?—Yes.

2433. And a voter for the borough of Bradford?—Yes.

2434. Was there a committee held at your house?—Yes.

2435. A committee for Mr. Ripley?—Yes.

2436. Who came to engage the room for the committee?—My wife let the room to Jerry Ryan.

2437. Did you see him and Kitcheman?—No; I did not see him then; I was not there.

2438. Did you afterwards see there both Kitcheman and Ryan?—Yes.

2439. Do you see Ryan here?—Yes.

2440. Which is the gentleman?—(*The Witness pointed out Ryan.*)

2441. Was anything said to you about refreshments?—Yes; 10 l.

2442. What was said about 10 l.?—My wife said it; I gave it all to her, and she managed it.

2443. Did you see Kitcheman about it?—Yes.

2444. What did he say?—Jeremiah Ryan and Kitcheman told me to give them some refreshments.

2445. Did he say what quantity or how much, or what you were to give them?—No.

2446. How long was this before the election; how long was the committee sitting there before the election?—About nine days altogether; or 10 days; I do not know which.

2447. Did you send in any refreshments?—Yes; my wife did.

2448. Did you see them go in?—Yes.

2449. Your wife is unwell, is she not?—She is not well.

2450. Who paid you; has any one paid you?—I do not know; but two men at the house paid the 10 l.; and that is all I got.

2451. Mr. Baron *Martin*.] How much more do you expect to receive?—£. 38 more, making 48 l. altogether.

2452. Mr. *Giffard*.] Have you sent in a bill for that amount to the committee?—Yes.

2453. Who told you to send in your bill to the committee?—A man that took everything down in the book; he told me to send it to Mr. Terry.

2454. Who told you to do that?—A man that wrote it down.

2455. Who wrote it down; who is the man?—He lived in the house with me.

2456. What is the man's name?—Timothy Ryan.

2457. Was he chairman of the committee?—No; there was another man who was chairman.

2458. Is Mr. Burke, the doctor, attending your wife?—Yes.

2459. At the present time?—Yes.

2460. I thought you said she was not unwell?—No, sir; she is not well; she cannot get up; she has not been well for this fortnight or three weeks.

2461. How often did you see Kitcheman there during the time you have been speaking of?—Two or three times, I believe.

2462. How often did you see Ryan there?—He was there many times, but I could not tell you.

2463. Were they there when the refreshments were in the room?—Yes; the committee ordered me, or some of them; I cannot say who; Jeremiah Ryan and Kitcheman.

Cross-examined by Mr. *Price*.

2464. You sent in your bill for 48 l., did you?—Yes.

2465. Timothy Ryan is your stepson, as I understand?—Yes.

2466. And he made out the bill?—Yes.

2467. Was there any quantity consumed to represent 48 l.?—Yes.

2468. Have you paid your brewer for all the beer you had; and had you more than 7 l. worth of beer in the place?—I cannot say; my wife paid the brewer always when he came.

2469. Do you mean to say that you do not know whether you have had more than 7 l. worth of beer in your house since you began?—I cannot tell you that.

2470. Will you swear that you have had more than 7 l. worth of beer in your house up to the time of the bill being sent in?—The bill will tell you.

2471. You

2471. You know, and will you venture to swear, that you had had more than 7 l. worth of beer in your house before you sent this bill in from the brewers?—Yes; many times I got 15 l. and 20 l. worth of beer.

2472. In the “Harp of Erin”?—Yes; in my house many times; I did.

2473. How much had you in at the time of the election, when this bill was run up; had you as much as 7 l. worth in the house at that time?—Yes; sometimes I had 10 l. worth, and sometimes 20 l. worth.

2474. Who is your brewer?—Mr. Thompson.

2475. You will swear that at that time you had 10 l. worth of beer in your house?—Yes; and 20 l. worth; but I could not swear how much beer, because I did not count it.

2476. How many times up to the election did you have beer in during the six months before that?—I could not tell you, for I am no scholar to put everything down what it was; I would give an answer, but I am no scholar to write everything down in that way.

2477. The work began on Sunday night, did it not?—I do not know.

2478. You have charged for two days’ beer before the committee was opened at your house?—It was there every day and every night what they got.

2479. You have charged for two days’ beer before the committee sat in your house, have you not?—I cannot say.

2480. Did Timothy write for you?—Yes.

2481. Did you write and threaten, or get Timothy to threaten, that if they did not pay you your bill, this trial that was coming on would waken them up?—No, I did not tell him that at all; my wife told everything.

2482. This is the letter: “Dear sir, I have been to Kitcheman, and a man they have called Bennett; they have not given me any satisfaction for my stuff that I gave away. If they remain stupid, the coming trial will waken them up.” Was that what was written from your house; is that your wife’s handwriting (*handing the letter to the Witness*)?—No.

2483. Is it Timothy’s handwriting?—I do not know; I cannot tell you.

2484. Timothy signed all the orders, did he not?—Yes.

2485. Did Timothy write this for you: “Dear sir, My idea in sending you this note is, that I have tried all, and I mean to go to the fountain head. If they treat me fairly, I can do them a good service by saying nothing; if not, they will get the whole cause disgraced.” Did Timothy write that to Mr. Ripley?—I do not know.

2486. That was the fountain head, was it not?—I do not know; I could not tell you.

2487. Did not he sign all the accounts that were sent in for beer?—Yes.

2488. The bill for 48 l. was never passed by anyone but your stepson; no committee-man passed the account?—No.

[The Witness withdrew.]

EDWARD MALONE, sworn; Examined by Mr. Giffard.

2489. WHAT is your Christian name?—Edward.

2490. Were you chairman of the committee at the “Fire Brigade Inn”?—Yes.

2491. From what time to what time were you chairman of that committee?—From the Tuesday previous to the election.

2492. What ward was it in?—The east ward.

2493. When you first became chairman did you from time to time order refreshments at the “Fire Brigade Inn”?—Yes.

2494. What sort of refreshments did you order?—Ale and beer; ham and mutton; cigars, pipes, and tobacco.

2495. Was that every day or once a week?—Every day and every night, up to the closing time.

2496. Of how many persons did your committee consist?—Our committee was not limited; sometimes up to 18 or 20.

2497. Were they voters?—Some of them were voters, but the majority of them were non-voters.

2498. What qualification did you insist upon for a committee-man?—You will have to speak to me, for I am deaf.

2499. Did you find out whether a man was fit to do his duty when he was made a committee-man?—According to my instructions, I was to find out the men on this committee that would have the most fitting parts to go out as canvassers to receive votes.

2500. That is, among your countrymen?—Yes, the Irish committee; that was what I was selected for.

2501. Do you know what was the entire amount, in point of money, for the refreshments

that you ordered during that time?—£.66 15 s. 3 d. *E. Malone.*

2502. Do you remember whether there was a great deal of that incurred on the polling day?—I am sure there was some of it on the polling day.

2503. Do you remember what proportion out of that sum of 66 l. 15 s. 3 d. was supplied on the polling day?—I cannot exactly say what the amount was on the polling day.

Cross-examined by Mr. Price.

2504. You say that a bill for 66 l. was run up?—Yes, 66 l. 15 s. 3 d.

2505. Who was the landlord of the house?—A man of the name of J. Haig; that is what he had over his door. I do not know anything else.

2506. Do you know whether one farthing of that bill has been allowed by Mr. Ripley’s committee?—I know, according to my instructions, it was from Mr. Ripley’s committee that I got an unlimited order for refreshments.

2507. Do not you know that his committee have repudiated the whole of that account, and have refused to pay it?—Then it must have been since. I do not know whether they have refused it; they always told me that as long as they gave me blank bills, and they told me to furnish Haig with some of those bills, and as long as he made up the bills, and told the amount of refreshment every day, when I signed it, it was to be paid as cash to Mr. Haig.

2508. Is that your handwriting (*a letter being handed to the Witness*)?—Yes.

G 4

2509. When

E. Malone. 2509. When did you send that letter?—Who is it to?

27 January 1869. 2510. It does not seem to be directed to everybody; just look at it and tell me. Was it not sent to Kitcheman. I am told it was; and you must remember, you know, a few days after the election?—Yes; it was sent to the committee by our messenger.

2511. This was all true, was it?—Yes.

2512. This is it: "Excuse me for trespassing on your precious time by writing to you. I wish to be settled with as speedily as possible"—Yes, according to the promise that was made that my wages were to be paid to me the same as if I was working on Saturday night.

2513. They did not pay you?—Yes; they did a certain amount.

2514. I hold in my hand a circular which appears to be on behalf of Mr. Ripley?—Yes.

2515. It says, "Hoping that you will accede to my wishes" (*reading to the words*)—"Malone, Chairman of the Irish Committee, 'Fire Brigade Inn'"?—That is right.

2516. They then threatened you?—Of course; several of the men told me that I should be paid out for taking the active part I did.

2517. Was that after you went to Mr. Hargreaves' office?—Yes.

2518. Having been told that you would be paid out, you went and made a clean breast of it to Mr. Hargreaves?—Yes.

2519. Do you mean by "paid out," that you would be hardly dealt with?—I depended upon the promise the gentlemen made to me, that if I worked for Mr. Ripley, and did all I could, they would see me right. I told the person who employed me upon that mission that I was a man that had a family and must live by my work; and I said, "If I employ other men we shall expect our wages." We did not get them, and that is the reason why I wrote that letter and sent it in.

2520. But it was not true that you were not safe if you stayed in Bradford?—Certainly it was, because I was told in the streets that I should be illused by my own countrymen for taking the active part that I did.

2521. Did you tell Kitcheman that you had been offered 10*l.* to give up the bills?—I did.

2522. Who offered you the 10*l.*?—I do not know the man in person, but a man came to me.

2523. What was his name?—He said, "Malone, if you give up your bills you will get a nice tidy Christmas-box." I said, "They are of no use to me." "If you give them to me," he said, "you shall receive from 5*l.* to 10*l.*"

2524. Did you not tell Kitcheman that Mr. Hargreaves had offered you that money?—No.

2525. Will you swear that?—Yes; I do swear it.

2526. At Mr. Little's office, and in his presence. Look at this gentleman (*pointing to Mr. Little*), did you not tell Kitcheman that Mr. Hargreaves offered you that money?—I told him that I could have got it.

2527. From Mr. Hargreaves?—No; I did not say Mr. Hargreaves.

2528. You swear that?—Yes.

2529. And that Mr. Hargreaves said he should then have a link in the chain?—No; I am on my oath, and when Kitcheman called me to Mr. Little I told Mr. Little that I could have got to the amount of from 5*l.* to 10*l.*, and he said that I ought to accept of it. I then said, "Shall I give up these bills for the money?" and he said, "No,

certainly not, keep them." I said, "Haig has been sent for, or his case has been represented to Mr. Hargreaves, and he said that he would take Haig's case up, and add a link to Haig's chain."

2530. Were you to have a slice of anything that Haig got?—No.

2531. Who was to give you the 10*l.*?—I do not know the gentleman; he came to me.

2532. Who was to give it you?—I understood that it was some of Mr. Ripley's friends; some of his committee. I do not know half of the committee that I have been in company with on many occasions.

2533. You say that Mr. Ripley's friends were to give you 10*l.* to give up what?—The bills for refreshments.

2534. They had gone in to Mr. Ripley's committee, had they not?—I understood that Kitcheman and some of his friends were the party. I did not want the 10*l.*

2535. Did you think that the 10*l.* were to come from Mr. Ripley?—From his committee; I understood so from the man that came to me.

2536. When did you go to Mr. Hargreaves; was it after you had heard of this 10*l.*?—Certainly not: it was before I heard of the 10*l.* After I went to Mr. Hargreaves this person came to my house,

2537. And you heard Mr. Hargreaves say that he would take up Haig's case?—Yes; he said, if he could not get the money he would take the case into his hands to be another link in the chain, and I told Haig to give his case into Mr. Hargreaves' hands.

2538. You believed that you were to get the 10*l.* from Mr. Ripley?—Upon my oath, not from Mr. Ripley. A gentleman came to me and said, that if I gave up the bills to Kitcheman or Mr. Little, he would see that I got a Christmas-box of from 5*l.* to 10*l.*

2539. Did not Mr. Little tell you that if you could get 10*l.* from Mr. Hargreaves you must give up the bills?—He did; but I asked Mr. Little at the same time. I said, "Will I give up my bills if I get the 10*l.*," and he said "No." On my oath it was not Mr. Hargreaves. Mr. Hargreaves did not offer me money. I told Mr. Little, in the presence of Kitcheman, that I had been offered from 5*l.* to 10*l.* for these bills if I gave them up, and Mr. Little said, "Take the money." I said, "Shall I give up the bills if I get the money?" and he said "Certainly not; keep them."

2540. Did not Mr. Little tell you that if you could get 10*l.* from Mr. Hargreaves —?—I swear to the best of my knowledge he did not mention Mr. Hargreaves.

2541. Then the man who offered you the 10*l.*, whoever he was?—He said, "Take the money." I said, "Shall I give up the bills?" he said, "No." Kitcheman sent me home for the bills, and my wife was out.

2542. Did Mr. Hargreaves say that he would pay the bills?—He said that he would see them paid; he said that he would take the case in hand, and that there would be another link in the chain.

Re-examined by Mr. Giffard.

2543. You stated just now, that you had received from Mr. Ripley's committee tickets on which to put the refreshments?—Yes.

2544. Mr. Price.] I wish to ask another question.

tion. Did you not tell Kitcheman that there was not a single voter on your committee?—Never. I was told by Marshall Hambly, the man that first gave me instructions, that I might put voters on the committee, but that I could not put them on as paid canvassers.

2545. Hambly told you that, did he?—Yes.

2546. I ask you the question again, and take care how you answer it. Did you not tell Kitcheman that you had not a single voter on your committee?—On my oath I never did.

2547. Mr. *Giffard*.] These bills, I see, bear your signature and the signature of the secretary; were the refreshments provided that you signed for?—Yes, they were, and not only that, but when I produced a bill of items to Hambly, the man that sent me there; when the beef and potatoes appeared as items, he said “Never mind getting them into those items; let a total amount go down for refreshments, and as long as you sign your name at the bottom of the bill, it is correct.”

2548. Is that the placard that you referred to in answer to my learned friend (*handing the same to the Witness*)?—That is the one I referred to.

RICHARD SHERLOCK, sworn; Examined by Mr. *Giffard*.

2551. WERE you secretary at the “Fire Brigade Inn”?—Yes.

2552. Who appointed you secretary?—The committee.

2553. Did you see Kitcheman?—Yes.

2554. And Mr. Marshall Hambly?—Yes; the latter the first night.

2555. Did any one give you some note paper with writing upon it?—Marshall Hambly gave me some note papers with “South Ward” upon them, and I was to scratch out “South Ward,” and put “East.”

2556. What else did he tell you?—Anything that we got from the landlord, by being signed by the chairman and the secretary, to be payable.

2557. Then the chairman each night was to sign a paper for the refreshments that came in during the day, and give it to the landlord where the things were supplied?—Yes.

2558. I see on the polling day that there is a bill of something like 27 *l.*; how long were you eating and drinking on that day?—The polling day?

2559. Yes?—How long were we eating and drinking on that day exactly?

2560. Yes?—We had breakfast in the morning at six o'clock; then we had dinner, and at night there was another meal. I do not know what you will call it.

2561. And was there beer going on pretty well the whole day?—There was beer on all occasions.

2562. How many people had you there during that day?—There would be from 15 to 20, perhaps more.

2563. Was it only in the committee room, or was there drinking going on elsewhere in the house?—Downstairs.

2564. On the nomination day; did you do anything on that day?—Yes.

2565. Were there many people drinking that day too?—Very nearly the same people that were there the day afterwards.

28.

2549. Who got that printed?—Mr. Hambly took a copy of it.

2550. Were bills of that sort and the notes you signed supplied to you from Mr. Ripley's committee?—Yes.

[The Witness withdrew.

Mr. *Littler* stated that he had found there had been 158 committee-rooms at public-houses for Mr. Ripley; that out of these there were 43 at which there was no refreshment whatever, leaving 115 at which there were refreshments. That of the sum of 1,900 *l.* and odd charged for the hire of rooms, 737 *l.* 8 *s.* 6 *d.* was for the rent of committee rooms and meeting rooms; 113 *l.* was charged for refreshments alone, and 805 *l.* was charged for refreshments and rent, which were mixed up together, and the balance of the 1,900 *l.* was for miscellaneous matters.

Mr. *Giffard* stated, that he did not object to what his learned friend had said, but that he was afraid he should have to dispute every item which had been enumerated.

2566. Had you supper on the nomination night?—Yes. *R. Sherlock.*

2567. And breakfast early in the morning?—I did not say that we had breakfast on the nomination day.

2568. But you had supper that night?—Yes.

2569. Were there voters there too?—Yes.

2570. Did they go to the poll directly after they had had their breakfast?—I did not see the voters going on the polling day, but I saw a card that a man got from Mr. Miall, brought back to the committee room, and one of the canvassers tore it in two, by the directions he had got to show what vote he had done.

2571. Did Mr. Ripley come there any time during the sitting of the Committee?—I have seen him myself once.

2572. Who came with him?—I do not know the gentleman's name who was with him.

2573. Do you know any of them?—No.

2574. Did Kitcheman come with him?—I saw Kitcheman once there with Mr. Ripley.

2575. Did Mr. Ripley make a speech?—Yes, he spoke a few words.

2576. Was he introduced to any one there?—I cannot recollect that he was introduced to any one; he was introduced to the chairman.

Cross-examined by Mr. *Price*.

2577. How long was Mr. Ripley in the house?—He would be there from 15 to 20 minutes.

2578. And the committee were all there, I suppose?—Not all, very nearly all; some of them were downstairs.

2579. That was the only occasion when you saw Kitcheman; how long was that before the election?—I could not be accurate to a day; I daresay it was about three days or so.

2580. You say that this 27 *l.* was spent on the polling day; you know, I suppose, that all the accounts which were sent in have been refused by Mr. Ripley's committee?—I believe so; but I do not know that.

H

2581. Are

E. Malone.

27 January
1869.

R. Sherlock, 2581. Are you the author of this precious production?—Not exactly the author of it; it was issued jointly between two of us.
27 January 1869.

2582. Who were the joint composers of this placard?—The men whose names are signed first; we were the joint composers; the last witness was the chief; he wrote it out, and I finished it out like.

2583. You polished up the periods?—Yes.

[The placard was handed in as follows:—]

“Fire Brigade Inn,
“Ripley’s Irish Committee-rooms,
“East Ward.

“Fellow-Irishmen of Bradford, we, the undersigned, in behalf of Mr. Ripley, wish it to be understood by all Irishmen that our sole reason why we consider that he would be the best man to represent our interest in the British House of Commons, we call your special attention to the following facts: Mr. Ripley promises, if elected, to support all measures for the good of our country, particularly the land question, the Irish Church question, and, what we as Irishmen should be all interested in, viz., the liberation of our Irish State prisoners. As Mr. Train is considered by every honest Irishman a friend to liberty, we believe in his honesty towards us; we consider Mr. Forster has acted every way wrong by refusing to answer Mr. Train’s letter, and not to support the petition on behalf of the release of our Irish State prisoners. As for Mr. Miall, when he endeavours, through the medium of his ‘Nonconformist,’ to cast a stigma upon our Irish patriots now immured in British dungeons, by calling them Irish firebrands, or cowardly assassins, we consider, by these unmanly expressions, that he would have no scruple in violating any promise or promises that he might make to us, no more than that vile political traitor, so help me God! Keogh. Therefore, as Irishmen, who should at the present time use the power in our own hands, we should not tolerate either Miall, Forster, or any other man, to call these patriots such names. Give Mr. Ripley a fair chance, and we believe he will act according to his promises when elected. Having the freedom of our country at heart, we wish a speedy and successful settlement of all Irish questions. We, on behalf of the Irish committee, remain yours, &c.

“Edward Malone, Chairman.

“Richard Sherlock, Secretary.

“God save Ireland.”

2584. That was the document that rendered it unsafe for you and Malone to go about, was it not?—Yes.

2585. Was it the publication of this bill that rendered your life and Malone’s rather in danger?—I do not see that my life was in danger.

2586. I thought you wrote this letter, signed “Sherlock,” in which you said it was not safe to remain in Bradford?—I did not say that my life was in danger.

2587. Then what did you say?—We took the side of Mr. Ripley, and the majority of my countrymen were on the other side, consequently we were in some danger. I do not exactly say that my life was in danger.

2588. But it was not safe to remain in Bradford, was it?—Yes.

2589. That shows that your life was in danger?—They might name a man, and not take his life away.

2590. Were you threatened at all?—I was not intimidated personally, but I heard of it.

2591. There have been threats used against you by your countrymen; was that very common during the election?—It was.

2592. It was a matter of common notoriety that the men for Mr. Miall and Mr. Forster threatened those who dared to vote for Mr. Ripley?—It was common enough.

2593. Can you tell me how many of your countrymen are voters here?—I do not know.

2594. Four thousand or 5,000?—I do not know; I cannot answer that question.

2595. There are about 20,000 Irishmen in Bradford, I am told?—I will not go into any figures.

Re-examined by Mr. Giffard.

2596. Were those green bills extensively circulated?—I do not know.

2597. What were you paid?—I was paid 2*l.* the night after the election; by going next day I got half-a-sovereign, and I signed a receipt for 2*l.* 10*s.*

2598. Are you a voter?—No.

2599. Was it young Mr. Ripley or the old gentleman that was at the place where you said you saw Kitcheman with Mr. Ripley?—Old Mr. Ripley.

Mr. Price.] He is quite mistaken.

[The Witness withdrew.

JAMES MAHON, sworn; Examined by Mr. Mellor.

J. Mahon. 2600. You live at 35, William-court, Leeds-road, Bradford?—Yes.

2601. Are you a voter for the South Ward?—Yes.

2602. Did you join Mr. Ripley’s committee which sat at the “Fire Brigade Inn”?—Yes.

2603. Of which Malone was chairman?—Yes.

2604. How long before the election did you join the committee?—About nine or 10 days.

2605. How often did you go to the “Fire Brigade Inn”?—About four times.

2606. Had you any refreshments there?—Yes.

2607. Both eating and drinking?—Yes; eating and drinking.

2608. Every time you went did you have refreshments?—Not every time.

2609. Did you see other people there?—Yes.

2610. How many were there?—About 14 or 15.

2611. Were they eating and drinking too?—I did not see it; I saw at the time I was there eating and drinking.

2612. Did you pay anything?—No.

2613. Did Mr. Ripley come to the committee-room while you were there?—Yes.

2614. Mr. Baron Martin.] The young man or the old man?—They were both two young men.

2615. Mr. Mellor.] Did you see Mr. Ripley the father there?—I did not.

2616. When

2616. When young Mr. Ripley was there was Kitcheman there?—Yes.

2617. Was eating and drinking going on there?—Yes.

2618. What did young Mr. Ripley say?—He said he was very happy to see such a lot of them together of the committee, and he hoped they would make a good job of it for them.

2619. Did he say anything more?—He made a speech.

2620. Were there any of the green placards hanging in the room then?—Yes.

2621. Could Mr. Ripley see them?—I think he did.

2622. On the morning of the nomination day where did you have your breakfast?—I did not get my breakfast there.

2623. Where did you get it then?—I got no breakfast that morning; I was drunk.

2624. Had you anything to eat or drink?—I had “nought” but a bit of cheese and a glass of whiskey to it.

2625. I thought you said that you were drunk?—No, I was treated to a glass of whiskey and a bit of cheese. I got one at the Cemetery Hotel, Leeds-road.

2626. On the morning of the nomination day where did you get your breakfast?—I got it at home that morning.

Mr. Price stated that he had no question to ask the Witness.

[The Witness withdrew.]

JOSEPH HAIGH, sworn; Examined by Mr. Giffard.

2627. ARE you the landlord of the house they call the “Fire Brigade”?—I am.

2628. Did you see either of the Mr. Ripleys at your house during the time that this committee was sitting there?—I saw his son and himself.

2629. Was the amount of refreshments for which you charged 66*l.* 11*s.* 3*d.* supplied in fact?—It was in articles.

2630. I believe the greater portion of it was supplied on the polling day, the 17th?—Yes, what was had on the 17th is what was supplied on the 17th, 18th, and 19th.

2631. I think you will find 28*l.* is charged for the 18th?—It is charged in the bill rendered to Mr. Ripley’s committee; I bring this amended bill according to Mr. Little’s request; here is his circular; I sent him an amended bill, a copy of that.

2632. Did you receive that?—Yes; I did.

2633. Was that before you had sent in any account?—No, I sent one in, and he wanted an amended account.

2634. What was the difference between the two?—Nothing at all, not a farthing, only the particulars instead of a statement of the days, the 17th, 18th, and 19th.

2635. What was the amount of the first account you sent in?—£66 15*s.* 3*d.*

2636. I mean in respect of that bill which you first sent in; show the items consumed on the 16th, 17th, and 18th?—No, it was all dated the 17th.

2637. That was the polling day?—Yes.

2638. The amount of that account is spread over three days?—Yes, the 17th, 18th, and 19th.

Cross-examined by Mr. Price.

2639. Did you charge for things taken after two days after the polling day?—I charged nothing but what was correct; the parties were there after the polling day.

2640. You thought it right when the election was over to let them have whatever they liked to call for at Mr. Ripley’s expense, after the election?—The Chairman gave me—

2641. Answer my question; was it a right thing, after the election was over, to let these Irishmen have what they liked, and charge Mr. Ripley with it?—I did not think there was anything wrong in it.

2642. What was there had on the polling day?—On the 17th the amount was 6*l.* 7*s.* 3*d.* I believe.

2643. Sherlock said that on the polling day it was 27*l.*; it was in the original bill so charged, but what was really spent was 6*l.*?—Yes, about that; then there is the 18th and the 19th.

2644. Do you think that is honest?—Yes, when it is corrected.

2645. If it had not been corrected you would have allowed it to be believed that 27*l.* was spent on the polling day in your house?—The 27*l.*?

2646. If it had not been corrected you would have allowed it to be believed that 27*l.* was spent on the polling day in your house?—I was instructed by Malone to date the articles consumed on the 19th for the 17th day.

2647. And you thought that straightforward and honest did you?—I did.

2648. There is a Sunday charged for here?—Yes.

2649. £.11 10*s.* 6*d.* is charged on Sunday; do you mean to say that Mr. Ripley’s committee was sitting there on Sunday doing work?—Yes, they was, and Kitcheman assisting them; he was at our house also.

2650. That you swear?—I will swear that he came in in the evening and stopped all night with them, and he ordered beer at night and excited them to go on, and I said, “Mr. Kitcheman, do you know what day it is; it is the Sabbath Day.”

2651. Do you mean to say that Kitcheman had anything in your house on that Sunday night?—I do; I mean to say that he was there, and he had something.

2652. Did he ever have a glass of ale in your house, or a glass of anything in his life, will you swear that?—I saw him drink a glass of beer in the committee-room.

2653. On that Sunday night?—Yes.

[The Witness withdrew.]

J Mahon.

27 January
1869.

J. Haigh.

JAMES TIDSWELL, sworn; Examined by Mr. Metcalfe.

J. Tidswell. 2654. Do you live at 13 North Brook-street?
—Yes.
27 January 1869. 2655. Are you a voter?—Yes.
2656. On the 7th November, were you at Mr. Nathan Atkinson's, the grocer?—Yes.
2657. You went to make a purchase, I suppose?—Yes.
2658. Did he say anything to you about the election?—He asked me who I was going to vote for, and I told him that I was undecided, and he asked me to meet him at the "Wild Boar" on that night; I did so, and I was entered on the committee at the "Wild Boar".
2659. Who asked you to be entered on the committee; who did that?—I think the chairman of the "Wild Boar".
2660. Did Atkinson go with you?—Yes, he introduced me into the room.
2661. Did Conroy also go?—Yes.
2662. Was he put on the committee also?—Yes.
2663. What followed when you were put on the committee?—We had plenty to drink; spirits and cigars.
2664. And beer?—Yes.
2665. Did you have anything to eat?—We had nothing to eat that night.
2666. Had you anything to do as a committee-man?—Yes.
2667. What was it?—Merely sit there, that is all I did, and drank away.
2668. Did you ever do any work as a committee-man?—I did a little as a canvasser; I canvassed about four people.
2669. That was on the 7th November; how long did the drinking go on; did it continue till the time of the election?—We left there on Monday the 9th; Mr. Kitcheman told me and Conroy that he wanted us to open a committee-room somewhere about Sun-street.
2670. Where did you go to?—To the "Bricklayers' Arms"; me and Conroy went ourselves.
2671. Was that the place that Kitcheman mentioned?—No, he said anywhere.
2672. Who was the chairman of that committee?—I was.
2673. And was Conroy secretary?—Yes.
2674. Did you get some other committee-men there?—Yes.
2675. Were they voters or non-voters?—Both.
2676. When you first went to see the landlord, did he object to you having a room, or say anything about your having it?—No.
2677. Did you go, after you had spoken to the landlord, back to Kitcheman and get an order from him?—Yes, when we found him; it took us two days.
2678. Did you get that order from Kitcheman and give it to the landlord?—Yes, at the "Ring of Bells"; I did not get it; Conroy got it. (*The order was read.*)
"We shall be glad to have your house as a committee-room for Mr. Ripley; any reasonable charge will be paid."
(signed) *Edward Kitcheman,*
Vice-chairman of East Ward.
Mr. Price.] The handwriting is not proved.
2679. Mr. Baron Martin.] I understand that he saw Kitcheman give it to Conroy.

Witness.] Yes, I saw him write it, and I saw him give it to Conroy.

2680. Mr. Metcalfe.] Having that, the landlord allowed you to have a room?—Yes; but of course we could not order anything to drink till we got some authority.

2681. After you got that authority did you then order from the landlord anything to drink?—Yes.

2682. Did any one pay for it?—No.

2683. Did you continue to order drink every night from that time till the day of the election?—Yes.

2684. Was that supplied to all people who came to the room?—Yes.

2685. Did you send in an account to anybody; the landlord's account?—Yes, Conroy made the account out.

2686. Against whom?—Mr. Ripley's committee.

2687. Who told you to do that?—I do not think that we were authorized to do it, but the man wanted his money he said.

2688. Besides that house there was the "Bricklayers' Arms"; on the nomination day was there any entertainment there?—Yes.

2689. Was there supper there on the nomination day?—We had supper every night.

2690. What did you have to eat on the nomination day?—I think bread and cheese.

2691. Nothing beyond that?—No.

2692. Had you breakfast on the polling day?—No, I should have been there at five, and I did not get there till ten on the polling day?—we had a few panfuls of steaks before I voted.

2693. Was there a breakfast ordered there for the polling day?—No.

2694. Did you come in contact with Ryan at all?—Yes, on the Saturday before the election.

2695. Where was that; were did you see him?—At Blake's vaults.

2696. Did you say anything to him?—Yes.

2697. What was it?—I told him that as I had been away from work all the week I should expect something; we had been given to understand that it would be all right.

2698. Did you get anything?—He gave me a sovereign there.

2699. Did he give Conroy anything?—I cannot swear what he got, but he gave him something.

2700. Did Ryan come to the committee-room at the "Bricklayers' Arms" that same night?—Yes.

2701. What did he say to you there?—He got us to sign for the money.

2702. Did he give you anything more there? Yes, 5 s.

2703. Did you complain about the money?—Yes; I did not think it was enough.

2704. What did he say upon that?—He said that he could not give us anything more till he saw Kitcheman; and we were to see him again on Monday.

2705. Did you see him again on Monday?—No; we could not find him.

2706. On the 20th November, did you and Conroy go to the Old Hall?—Yes.

2707. Did you find there Mr. Terry and some other gentlemen?—Yes.

2708. Did

2708. Did you get paid anything there?—
Yes.
2709. How much was it?—We got 2*l.* 15*s.*
each.
2710. Was that paid by Mr. Terry, there?—
Yes.
2711. Have you told us all that you had,
making 4*l.*?—No; I went again on the Mon-
day.
2712. How much did you get altogether?—I
got 7*s.* 6*d.* after that; that was all.
2713. Having been in doubt at first, and having
taken to those places, whom did you make up
your mind to vote for?—Mr. Ripley.
2714. A plumper?—Yes.

Cross-examined by Mr. Price.

2715. You made a claim on Mr. Terry, for
canvassing?—I did not make a claim for any-
thing.
2716. Do you swear that?—Yes, I do; I
mean to say that I went; I did not make a claim
for anything.
2717. Did you ask for 5*l.*?—No; we gave in
our bills.
2718. Did you give in a bill for 5*l.*?—It was
given in jointly; Conroy's and mine, 7*s.* 6*d.*
each; 7*s.* 6*d.* a day.
2719. Was that for canvassing?—I did not
make use of the word "canvassing," or anything
else.
2720. Did you tell Ryan that you had been
canvassing all the week, and that you had a large
family, and you must be well paid for your time?
—Yes.
2721. That was utterly untrue, was it not, as
to your canvassing?—I only canvassed about
four.
2722. It was a lie told to get the money?—
Yes.
2723. What are you?—A groom.
2724. Are you in service now?—No.
2725. How long have you been out of service?
—Five months.
2726. What are you doing now?—I have been
canvassing for an insurance office.
2727. What is the name of the office?—The
Universal Provident.
2728. Who employed you to canvass for the
Universal Provident Insurance Office?—The
secretary.
2729. Who is he?—Mr. Robertshaw.
2730. When did he employ you?—On the 5th
of October.
2731. What have you made out of that; any-
thing?—Not much.
2732. How are you living now; who supports
you?—The Universal Provident; I am on com-
mission.
2733. What kind of commission are you on,
a roving one? have you been away for two or
three weeks on a roving commission?—Yes; I
have been away at my own expense, at Leeds.
2734. Where did you get the money?—From
the Universal Provident.
2735. How could you afford to go and travel
about?—The business that I had at Bradford I

gave up to another agent; I got a small salary,
and a rather better commission to go away.
2736. How much commission did you get?—
Twenty per cent.
2737. You say that you have been earning
your own living?—Yes.
2738. Mr. Baron Martin.] Do you get 20 per
cent. for what you do?—Yes.
2739. Mr. Price.] What sum of money have
you received; tell me any sum in the way of
commission?—Who from?
2740. From the Universal Provident Insu-
rance Office?—It just depends upon what busi-
ness you get.
2741. What sum did you have till the 5th
October?—Ten shillings weekly.
2742. Have you had that every week since
that time?—Yes.
2743. You swear that?—Yes; besides the
commission.
2744. Who is Mr. Robertshaw; where does
he live?—He is the secretary, and lives at
Halifax.
2745. What is his Christian name?—Henry.
2746. Where does he live?—He lives at West
Hill Academy.
2747. Then the amount will be in his books;
did you get 10*s.* a week?—Yes.
2748. That is what you have been living
upon; you told Ryan that you had a large
family?—Yes.
2749. Have you a large family?—Yes; three
children and a wife.
2750. And you have been keeping them all
on this 10*s.* a week?—I had another trifle.
2751. Have you been to Mr. Hargreaves'
office?—Yes.
2752. Have you had anything there?—Yes.
2753. How much have you had there?—I can-
not say altogether.
2754. Have you had 10*s.* a-week from Mr.
Hargreaves?—Yes, I have had it for work
done.
2755. What work have you been doing?—
Taking men in to give evidence.
2756. Does Mr. Hargreaves for universal pro-
vidence towards you?—No, he has nothing to do
with the Universal Provident.
2757. Where have you been to?—Leeds.
2758. What have you been doing there?—
Canvassing for the Universal Provident.
2759. Have you been, while canvassing for the
Universal Provident, receiving 10*s.* a-week from
Mr. Hargreaves?—No, only while I was here.
2760. How many gentlemen did you take to
Mr. Hargreaves' office?—About a dozen.
2761. Who were they?—There was Martin
M'Andrew.
2762. And Conroy?—Yes.
2763. And Bowen?—No; James Marshall and
John Scholar; I cannot remember any more of
the names.
2764. Did you have to pay them any money?
—No.
2765. How much has Mr. Hargreaves given
you altogether?—About 4*l.*

[The Witness withdrew.

ROBERT CONROY, sworn; Examined by Mr. Mellor.

2766. You live at Victoria Terrace, in Bolton
Road?—Yes.
2767. Were you with Tidswell on the occasion
when he saw Mr. Kitcheman, and got the written
28.

paper that has been spoken of?—I was present,
and received a note from Mr. Kitcheman with my
own hands. That is the note (*handing the same to
the learned Counsel*).

R. Conroy.
—

R. Conroy.

27 January
1869.

2768. In what capacity did you act at the "Bricklayers' Arms?"—I was secretary to the committee.

2769. During the time the committee sat were there refreshments?—There were refreshments to any amount that the chairman was willing to order.

2770. Meat as well as drink?—Meat as well as drink.

2771. Did you keep an account of what was ordered?—I kept an account of what was ordered every night, and that I left with the landlord.

2772. What was the whole amount?—The whole amount came to 19*l.* 18*s.* 9*d.*

2773. On the Friday or Saturday, the 13th or 14th of November, did you and Tidswell meet Ryan?—Yes, we met him at the "Commercial," at Mr. Blake's vaults, I believe they call it.

2774. What did you say to him?—We asked him if he would give us any money, and he asked if we had any authority to get any from him. We told him who we were, and what we were; that we were the chairman and secretary of the committee at the "Bricklayers' Arms;" and he said, "I can only give you a sovereign now until I see Mr. Kitcheman."

2775. He did give you a sovereign, did he?—Yes, he did give us a sovereign each.

2776. Did you get any more money?—Yes.

2777. What more money did you get?—Altogether I got 3*l.* 10*s.* between Ryan and Mr. Terry.

2778. Mr. Price.] For your share?—For my share.

2779. Mr. Mellor.] When you went to see Mr. Levy, whom did you take with you?—On the first night that we went to see him, it was on the Friday after the election, and we met him at the "Eastbrook Hotel."

2780. Was James Marshall, James Burnham, Michael Burnham, and John Pearson with you?—Yes.

2781. Did you tell Mr. Terry who they were?—I told him that they were members of the committee, and they expected to get paid.

2782. Were they paid while you were there?—They were paid in my presence.

2783. Did you go with Tidswell and Crowther on either the nomination or the polling day?—Either the nomination or the polling day, I will not be positive; I will not swear which day it was; we went to Alderman Mark Dawson, and got a sovereign from him.

3784. Whom did he give the sovereign to?—He gave it to Crowther, and Crowther divided the money between us.

Cross-examined by Mr. Price.

2785. When was it you went to Alderman Dawson?—Either the nomination day, or the day of the election; I will not be positive which.

2786. Which was it, you do not get sovereigns every day of the week; what are you?—I am a shoemaker.

2787. Which day was it you went and got this sovereign from Alderman Mark Dawson?—It was either the day of the nomination, or the day of the election.

2788. Where?—In his office.

2789. What time of day?—In the evening; it would be, I think, between five and six.

2790. You got a sovereign from Alderman Dawson?—I did not get it.

2791. Who did?—Crowther got it.

2792. Did you see Crowther get it?—I saw it given to him; thrown on the counter to him, with the understanding that he was to divide the money between us.

2793. What did you go to Mr. Dawson for the sovereign for?—Because we wanted some money; we were hard up, and Crowther said he could make a point; he knew a man we could go to; I do not know exactly what it means, making a point.

2794. Are you in any work now?—No.

2795. How long have you been out of work?—Somewhere about three or four weeks.

2796. How have you been living for the last three or four weeks?—The best way I could.

2797. What is the best way; on Mr. Hargreaves?—No, not on Mr. Hargreaves.

2798. Who has given you any money, then?—Nobody.

2799. Are you living on the Universal Providence?—I did canvass for the Universal Providence Society.

2800. Good gracious! are you another of them?—Yes.

2801. Have you been taking men down to Mr. Hargreaves, then?—Yes.

2802. How many have you canvassed for this most benevolent association?—I refer you to Mr. Robert Shaw, of West Hill Academy, Halifax, and ask him whether I was canvassing for his society.

2803. How many have you led to the office for this Providence business?—I have got nothing to do with it now. Tidswell, I believe, has got an appointment as agent in Belfast; I believe so. I threw it up. I have nothing to do with it myself.

2804. Why did you throw it up?—It was not profitable enough for me.

2805. But the other man got 10*s.* a week from it?—Did he?

2806. He said so. How much did you get?—I got 5*s.* a week salary while I was working for him, and commission.

2807. How long were you working for him?—Somewhere about a month.

2808. Then you got 1*l.*; who has been supporting you besides that; 5*s.* a week would not keep a gentleman like you?—I am not much of a gentleman.

2809. You say you had 1*l.*; who has been keeping you since?—Providence.

2810. Do you mean to say that Providence has been keeping you; that is your answer to me?—Am I compelled to tell you who has been keeping me?

2811. I ask you, who has been supporting you?

2812. Mr. Baron Martin.] What the learned counsel means is, are you supported by persons who are promoting this Petition, or are you not; it is only material if you are?—I am not supported by persons who are supporting this Petition.

2813. Mr. Price.] I still ask, how are you getting your livelihood?—Am I compelled to answer that question?

2814. Mr. Baron Martin.] I do not say that you are?—I decline to answer it.

2815. Mr. Baron Martin.] You must answer any question that has any bearing upon the present issue.

2816. Mr.

2816. Mr. Price.] You are not a voter, I hope?—I am not a voter.

2817. I am glad of that; you were the secretary of this committee; did you tell Ryan, when you got the 1 l., that you had been canvassing for a week, and that 1 l. was not enough to pay you?—I did not.

2818. Did you then tell him you had been canvassing?—I did not; all I told him was, that I was secretary of the committee at the “Bricklayers’ Arms,” and that Tidswell was chairman.

2819. Did you tell Mr. Terry when you went for this money that the men had been canvassing?—What men?

2820. The men whom you went with, and for whom you got this 3 l.?—No; I merely said that they were members of the committee.

2821. You really mean to say that?—I really mean to say that. I am on my oath, and I know what I am saying.

2822. You have not got paid; have you asked?—No, I have not.

2823. What do you claim money for?—I claim money for my time and for my trouble, being the secretary to the committee.

2824. What trouble; what were you doing at the time you became secretary of this committee?—I was keeping accounts; taking minutes of the proceedings.

2825. Where at?—At the “Bricklayers’ Arms”; and on the day of election, I was there from eight in the morning till half-past three in the evening, and never moved off my seat.

2826. Then, there was committee work being done?—Yes.

2827. Real *bonâ fide* committee work?—As far as I know.

2828. You checked the returns that were brought in, I suppose?—Yes, I checked the returns of the voters.

2829. And during the days before that, you have done that kind of work?—Yes.

2830. Taking the accounts from the canvassers?—Yes.

2831. And you kept a minute-book?—Yes.

2832. And you returned that minute-book to the central committee, I suppose?—I did not.

2833. Where is it?—It is burnt.

2834. Who burnt it?—I did.

2835. Why did you burn it?—I thought there was no necessity to keep it. I thought it never would have been required, else I should not have burnt it.

2836. How many times have you been to Mr. Hargreaves’ office?—I should think I have been there somewhere about a dozen or 18 times.

2837. Have you taken witnesses there?—No.

2838. When was it you determined to go to Mr. Hargreaves; had you made any claim for money which had been refused?—No.

2839. Had you made any claim for money upon Mr. Ripley’s people, for any more money?—No, never made any claim.

2840. Never expressed yourself dissatisfied?—No, only the last time.

2841. When was the last time?—The last time was on the Tuesday following the election.

2842. And then you were refused, were you not?—Yes; but we got 15 s.; Tidswell and me together.

2843. You were refused to be paid what you demanded?—Yes.

2844. How soon after that did you go to Mr. Hargreaves, and get up evidence?—It would be in the month of December, a week before Christmas; somewhere about the 13th or 14th, I think.

2845. Then you decline to tell me who has been supporting you since then?—I decline to tell you.

[The Witness withdrew.]

ROBERT HALTON, sworn; Examined by Mr. Giffard.

2846. YOU are the Landlord of the “Bricklayers’ Arms”?—Yes.

2847. Have you got your bill here?—Yes.

2848. Just produce it?—Here it is (*handing the same to the learned Counsel*).

Mr. Giffard.] This is one of those not returned, and Mr. Little tells me not in his possession, and therefore it is to be added to the rest.

Mr. Avery.] The amount is 19 l. 18 s. 9 d. From Mr. Halton, 25th November, with regard to refreshment, bread, beef, cheese, tobacco, and a ham, of which note is enclosed, three guineas; ham, 15 s. 5 d.; ale, 14 l. 12 s. 1 d.; use of room, 1 l. 8 s. 3 d.; total 19 l. 18 s. 9 d.

2849. Mr. Giffard (to the Witness).] Were those goods supplied?—Yes.

2850. Are you a voter yourself?—Yes.

2851. How did you vote?—I voted for Mr. Ripley; I went out and voted for him.

Cross-examined by Mr. Price.

2852. I see that Messrs. Forster and Miall had rooms at your house?—They had a room one night.

2853. Are you a Universal Providence man?

28.

—No; they came one night, and never came no more.

2854. Did they pay you?—Yes, they did.

2855. How much?—£.1 2 s. 6 d. was the debt, and 1 l. I gained; the man that brought it to me said, “I will go and tell them myself,” and he brought me 1 l., and said that the men had no more change.

2856. What was the 1 l. for?—For what they had in refreshments.

2857. For one night?—Yes.

2858. Forster and Miall?—Yes, Forster and Miall.

2859. What had they?—Drink and tobacco, and all that stuff; cigars, and all such stuff as that.

2860. Ham?—No.

2861. Nothing but drink?—Nothing but drink.

2862. Why do you call cigars such stuff; pure cigars are good?—I do not know whether they are good or bad; I never used one in my life.

2863. So they had a pound’s worth of stuff in ale, cigars, and tobacco?—Yes.

2864. But why did they leave?—Because they went off, and never came no more; then Mr. Ripley’s party came, and asked me if they would have the room.

2865. Then you ran them up 19 l. besides?—I had them a deal longer than the other.

H 4

2866. How

R. Conroy.

27 January
1869.

R. Halton.

R. Halton.

2866. How long did you have them; I see your bill is made out on November the 25th; how long did you have them at your place?—I had them eight or nine nights and days altogether.

2867. They were night and day there, then?—No, they was not there night and day, but they came any time that they wanted.

2868. Did you send in an account of Forster and Miall's committee?—I sent in an account, and one of the committee said, "I will see you get the brass." A man gave me this sovereign, and said, "It is all but the change," and he left me a sovereign; and he said, "I can give you the 'tother afterwards."

2869. Who was the man who gave you the sovereign?—John Haley they call him.

2870. What is John Haley?—He lives in Sun-street, and he keeps a jackass and cart.

2871. Did you take your bill down to Mr. Hargreaves?—I took it down, but they made ifs and ofs, and the man said, "Give me the bill, and I will get it paid." It was not written for Mr. Hargreaves; it was made out for the 'tother.

2872. Which bill did you take to Mr. Hargreaves?—I took that bill of Forster and Miall's.

2873. But did you take this one as well?—Two committee-men came to me.

2874. Did you take this up to Mr. Hargreaves?—Yes; those two committee-men said I must come down to Mr. Hargreaves' office, and I thought it was Mr. Terry's.

2875. You thought you were going to Mr. Terry?—Yes.

2876. You got into the wrong box; did you go to Mr. Hargreaves?—Yes.

2877. What did they say?—They took and wrote it down.

2878. Was John Haley the secretary for Forster and Miall?—Secretary or book-keeper, or somewhat; I know not what they called him.

2879. When you got down to Mr. Hargreaves, and got into the wrong place, did Mr. Hargreaves make you take a copy of it?—He took a copy of it.

2880. Did he say it would be all right if you came here to-day?—I got a summons, and I came here.

2881. Did he say that it would be all right if you would come here to-day to the trial?—No, never said naught about that; they sent me this here summons (*handing a summons to the learned Counsel*).

2882. Did you get the sovereign immediately afterwards?—No; it was two or three days after, perhaps.

2883. You would like this bill again, I suppose?—That is what I got.

Re-examined by Mr. Giffard.

2884. This gentleman, Mr. John Haley, I think you say, who keeps a jackass and cart, he is not the gentleman who lives at Brunel House, I suppose, one of the petitioners?—No.

[The Witness withdrew.]

JAMES MARSHALL, sworn; Examined by Mr. Metcalfe.

J. Marshall.

2885. Do you live at No. 20, Wapping-road?—Yes.

2886. Are you a voter?—Yes, I am.

2887. And you voted for Forster and Miall, I think?—Yes, I did.

2888. Did Tidswell canvass you for Mr. Ripley?—Yes, he did.

2889. Did he take you to Mr. Kitcheman?—No, he did not.

2890. Did you see Mr. Kitcheman?—I did.

2891. Who introduced you to Mr. Kitcheman?—James Tidswell.

2892. Was that at the "Bricklayers' Arms"?—Yes.

2893. What did Tidswell say to Mr. Kitcheman?—I did not hear properly what he said to him; but I know what he said to me that Mr. Kitcheman had said to him; it is that way. I did not know the conversation that passed between him and Kitcheman.

2894. He said something to Mr. Kitcheman; what happened then; what was said then?—Just as he returned back I asked him, what did he say then.

2895. Tidswell went to Mr. Kitcheman, and then Tidswell came back to you?—Yes, that is it.

2896. And said something, and took you to Mr. Kitcheman, did he?—Yes, he did.

2897. And introduced you to Mr. Kitcheman?—Yes, he did.

2898. Then what did Mr. Kitcheman say to you?—He promised me, for my time there on that committee, 5 s. 4 d. a day.

2899. Why were you to have 5 s. 4 d. a day; what was the odd 4 d. for?—Because it was my wage.

2900. Did you say that?—Yes.

2901. You said you were earning that?—Yes.

2902. And you were to have therefore 5 s. 4 d. a day?—Yes.

2903. What were you to do for that 5 s. 4 d.?—I was to be on that committee.

2904. Did they know that you were a voter?—Yes, they knew that I was a voter.

2905. Had you told them what your views were, and for whom you were going to vote?—No, I did not.

2906. Did you say, in Mr. Kitcheman's presence, whether you were going to vote for anybody, or whether you had made up your mind?—No, I did not.

2907. You were to have 5 s. 4 d. a day, and be upon the committee; were you put upon the committee?—Yes.

2908. What did you do when you got upon the committee?—I may say as I did naught.

2909. Did you get anything to eat or drink?—I got plenty to eat and drink, but no brass.

2910. Did you ask for brass?—Yes, I did, but got none.

2911. You asked for brass but got none, but you got plenty to eat and drink?—Yes.

2912. On the nomination day did you get plenty to eat and drink there?—Yes, I did.

2913. You got rather too much to drink, I believe?—Yes, I did.

2914. You got rather drunk?—Yes, I got plenty.

2915. On the polling day what happened then?—We had plenty to eat and drink then also.

2916. When did you go up to the poll?—Happen about 10 o'clock.

2917. Did you tell Mr. Kitcheman on that day that

J. Marshall.

27 January
1869.

that you had voted for Forster and Miall?—No, I did not; I went of my own accord, when I thought proper.

2918. Did you go back to the committee room after you had voted for Forster and Miall?—Yes.

2919. Did you eat and drink again?—Yes I did, heartily.

2920. And then did you go up to be paid afterwards to Mr. Terry?—The Monday after the election I did.

2921. What did you get from Mr. Terry?—Fifteen shillings.

2922. You did not tell him that you had voted for Forster and Miall, I suppose?—He did not ask me.

Cross-examined by Mr. *Littler*.

2923. You were asked if you had voted?—No, I was not.

2924. Were not you asked at Mr. Terry's office whether you had voted?—No, I was not.

2925. Not by anybody?—Not by anybody.

2926. Do you mean to say that you were not asked by some one, at Mr. Terry's office, whether you had voted or not?—Yes, I do say so.

2927. By no one?—By nobody.

2928. You got 15 s. there?—Yes.

2929. What did you get that 15 s. for; for doing nought?—Yes, for doing nought.

2930. Did you tell him that you had done nought?—I did not tell him that I had done nought.

2931. You told him that you had been working very hard for Mr. Ripley?—I did.

2932. And you thought that 15 s. was not enough for you?—I would take more if I could get it.

2933. Did not you tell him that you wanted more?—Yes, I told him that I wanted more.

2934. How much did you want?—All I could get.

2935. Did you say how much you wanted?—No, I did not; I mentioned no sum.

2936. But you said you had been working very hard for Mr. Ripley?—Yes, I did.

2937. Do you keep a conscience?—Yes, right enough.

2938. You do keep a conscience; just tell me, do you know for what house you voted; how are you described upon the Register; did you live at the place you were described as living in?—I lived there for 32 years.

2939. Did you live there at the time of the election?—No.

2940. Where did you live at the time of the election?—I lived in Mill-street.

2941. Not at the place for which you were on the Register?—No.

2942. Where was it that Tidswell introduced you to Kitchenman?—In the committee room at the "Bricklayers' Arms."

2943. Do you mean to say that Mr. Kitchenman told you that you were to have 5 s. 4 d. a day?—I did not say he told me, but I said that Mr. Kitchenman told Tidswell that I was to have 5 s. 4 d. a day.

2944. That is what Tidswell told you?—Yes.

2945. You never spoke to Mr. Kitchenman about it?—I did not.

2946. Then they refused to pay you 5 s. 4 d. a day, did they not?—Yes.

2947. They said you had no authority?—Yes, they said they would not pay me; I did not

trouble them till long after it was over; on the Monday after the election.

2948. Did you ever tell anybody in the committee-room that you had been canvassing for Mr. Ripley?—I told them nought.

2949. Did you not tell anybody in the committee-room that you had been canvassing for Mr. Ripley?—Yes, at the committee-room I did.

2950. And you used to come in and have your refreshments under the pretence that you had been canvassing for Mr. Ripley?—I had done.

2951. And that was why you got your refreshments?—That was why I got them.

2952. And you voted about 10 o'clock for Forster and Miall?—Yes, I did.

2953. Then you went back and eat heartily at Mr. Ripley's expense?—Whoever paid for it; I eat it

2954. Did you ever go to Ryan for money?—No, never.

2955. Do you know Ryan?—Yes, very well.

2956. You never asked him for money?—I never asked him for a penny.

2957. Ryan is here, you know?—I do not care; I never asked him for a penny.

2958. When did you first tell about having got this 15 s. and this drink?—I cannot say exactly how long since.

2959. Was it a fortnight or three weeks?—A fortnight happen.

2960. Whom did you tell?—Those two committee men came to me and told me I was forced to tell what was had at the "Bricklayers' Arms."

2961. Were they Forster and Miall's men?—No, they were Mr. Ripley's men.

2962. They said you were forced to tell, did they?—Yes, and I did tell.

2963. Do you know their names?—Yes it was Tidswell and Robert Conroy.

2964. They were the witnesses who were here to day?—Yes, that is right what I say.

2965. They took you down to Mr. Hargreaves?—James Tidswell did.

2966. You told Mr. Hargreaves this story, did you?—Yes.

2967. Have you been there more than once?—Never on that occasion but once.

2968. But how many times have you been altogether?—Twice.

2969. What did you go for, the second time?—When I got the summons I went.

2970. Why should you go when you got the summons?—Because I knew no better; but I had to go.

2971. The summons told you to come here?—Yes, but I went there to see what I had to do.

2972. What are you; are you a labourer?—I labour sometimes, and I mason sometimes.

2973. Are you a labouring now?—Yes.

2974. Where?—Up on the Otley-road.

2975. Whom for?—I work for John—.

2976. You do not know your own master's name?—No; I have been working for him nearly two years.

2977. You have been working for him nearly two years and you do not know his name; how do you find your way to your work if you do not know your master's name?—I know where my work is.

2978. Where is it?—On the other side of the Otley-road.

2979. Have you been working there for two years?—Yes.

2980. You have been working there for two

J. Marshall. years and you do not know your master's name?
—John Jackson; I remember now.

27 January 1869. 2981. How many days have you worked for him since the election?—I have worked for him all through since the election.

2982. Every day?—Yes, every day that people could work out of doors, I have.

2983. Mr. Baron *Martin*.] Are you a labourer or a mason?—I am a labourer.

2984. Mr. *Little*.] What do you do?—I am a mason's labourer.

2985. You have been working for Mr. Jackson for two years?—Yes, I believe I have, for all I know; I do not keep in mind what time I have worked for him exactly, because I have no occasion.

[The Witness withdrew.

JAMES BRANNAN, sworn; Examined by Mr. *Giffard*.

J. Brannan. 2986. Do you live at No. 27 Wapping-street?
—Yes.

2987. You are a voter for the East Ward?
Yes.

2988. Did you join the committee at the "Oak" Inn; Mr. Ripley's committee?—Yes, first; I did one Friday night.

2989. Were you afterwards transferred to the "Bricklayers' Arms" committee?—On the Saturday night following.

2990. Had you drink there when you liked it without paying for it?—I had some, but not much.

2991. Had you been asked by any one to vote?—I never had until the polling morning about seven, when Mr. Terry came to me.

2992. Did you receive 15s. from Mr. Terry?
—Yes.

2993. For what?—For the four nights I had been upon the committee; I did nought else.

2994. Did you ever do anything else for it?
—Never nought else.

2995. You were on your ordinary employment all the time; you did your regular work all that time?—Yes I was; I was working in the day and that was at night.

Cross-examined by Mr. *Price*.

2996. You were put on as a canvasser, were you not?—No, I never had been put on as a canvasser.

2997. What were you put on as?—I was put on the committee, I expect.

2998. As I understand, they never asked you, before you were put on the committee, how you were going to vote or whether you were a voter?
—They never axed me nought about voting.

2999. You are a voter?—Yes.

3000. When you received this 15s. from Mr. Terry, did you tell Mr. Terry that you had been working?—No I never did.

3001. Did you go with another lot, a whole

lot of you together, to Mr. Terry's?—I had been along with my own lot.

3002. To Mr. Terry's?—To the old Hall.

3003. Then you were all called up and paid?
—Yes.

3004. You made that claim for four nights?
—I made no claim in my life.

3005. How did you make up the 15s.?—They gave it me; I made no reckoning.

3006. Then Mr. Terry paid you 15s. and you said nothing, but put it in your pocket and walked away?—That is all.

3007. Who spoke for you; did anyone speak for you and say that you were one of the men that was to be paid?—No they did not.

3008. You say you said nothing yourself?—I said nought.

3009. Who said 15s. was owing to you?—No person that I know of.

3010. Then Mr. Terry, without knowing anything at all about you, handed you 15s. is that so?—I expect so; he knowed nought about me.

3011. For whom did you vote?—I voted for Mr. Miall and Mr. Forster.

3012. And your wife got 10s. from Forster and Miall's party, did she?—Yes, in my absence.

3013. Fifteen shillings and 10s. is 25s., you got 10s. for voting for Forster and Miall; your wife and you do not agree in politics?—I cannot help that.

3014. Did she tell you she had got the 10s.?—No.

Mr. *Giffard*.] I am not in that petition at all, and it is not evidence in this petition, but it will have no effect upon your Lordship's mind.

Mr. Baron *Martin*.] Not the slightest.

Mr. *Giffard*.] I am quite aware of that; but it has an effect out of doors.

Mr. *Price*.] It only goes a little bit to the credibility of the witness.

The Witness withdrew.

RICHARD CONROY, sworn; Examined by Mr. *Metcalf*.

R. Conroy. 3015. Do you live at No. 24, Irving-street, Bolton-road?—Yes.

3016. Are you a voter?—Yes.

3017. Were you on Mr. Ripley's committee at a house called "Richmond House"?—Yes.

3018. Who asked you to go on the committee?—Mr. Harcastle.

3019. Was Mr. Harcastle the chairman of that committee?—Yes, secretary and chairman.

3020. Who kept the house; Mr. Granger, was it not?—Mr. Granger.

3021. Did you do anything on the committee; what was your work?—Canvassing; I was a canvasser; I was employed for the last two

days; they made me out a bit of a ticket to Mr. Harcastle, and he said I should be entitled to two days' wages, and I received 5s. of him.

3022. What was the work you had to do; was it anything?—On the day of the poll he sent me down to—I forget the street now—to look about and to see that all things was quiet.

3023. Then how long were you acting upon the committee?—I was on, I dare say, 14 or 15 days.

3024. Did you get plenty to eat and drink at the committee?—Yes, I got some refreshments.

3025. Beer, and beef, and bread?—I got a little of both.

3026. How

3026. How many other people were there on that committee?—A few more, but I cannot remember their names.

3027. Were they voters too?—Yes; I dare say there might be 20.

3028. Mr. *Baron Martin*.] What are you?—A labourer.

3029. Mr. *Metcalfe*.] Were you asked whether you were going to join Mr. Ripley?—They asked me who I was going to vote for, and I said I had not made up my mind at the time. I thought, of course, of the place where I was enjoying myself; I would go that side.

3030. On the nomination day was there refreshment there?—No.

3031. No refreshment?—I got none that I know on.

3032. On the day of the polling, had you any?—On the day of the poll I had refreshment the first thing in the morning, before I went to vote.

3033. That was pretty early?—Yes.

3034. How many breakfasted there?—It was about five or six o'clock; there was a deal of men getting refreshments when I was there; there was only me and another got refreshment together.

3035. How many went up to the poll together?—I dare say there were would be close on 20 of us went on together.

3036. Did all those 20 breakfast, one way and the other, before they went?—I was not a witness to seeing them.

3037. Who took you to the poll?—I went with Mr. Kitcheman, first thing in the morning.

3038. He came and took you all in a body?—He came and took us to the poll.

3039. Did you vote for Mr. Ripley?—Yes.

3040. A plumper?—Yes.

3041. How did the others vote?—I do not know.

3042. Mr. *Baron Martin*.] Did all the others go with you, or did you go alone?—Yes; there would be 20 of us went together.

3043. Mr. *Metcalfe*.] And did the others vote for Mr. Ripley, do you know?—I do not know; I do not know for no man but myself. I cannot tell who they voted for; we only went in one at once; and every man as he gave his vote, went out again.

3044. After plumping for Mr. Ripley, did you go back to Richmond House?—Yes.

3045. Did you enjoy yourself again there?—No; I did not.

3046. Was the tap stopped?—I do not know for that; there was nought for me. Mr. Thomas Hardcastle then sent me on duty.

3047. Did you get any money?—Yes.

3048. What did you get?—I received 22s. 6d. from three different parties.

3049. Who was the first?—There was Mr. Jeremiah Ryan; I received 7s. 6d. on him; and I received 5s. from Thomas Hardcastle; and I received 10s. from Mr. Terry, the solicitor.

3050. Where was that; at the Old Hall, I suppose?—Yes; that was after the election; after the day of the poll.

3051. When was it that you got the money from Ryan?—I got it before the election; but I cannot tell to two or three days; it might be happen four or five days before the election when I got it.

28.

Cross-examined by Mr. *Littler*.

3052. You did canvass for Mr. Ripley?—Yes; a little bit.

3053. You canvassed for 14 days, did you not?—Yes.

3054. You were engaged the whole of those 14 days, canvassing?—Yes; I was; me and another man both on one book. We got a book. The other man got a book, and we worked on it.

3055. You did your best to get voters for Mr. Ripley?—I did not do very much; I did not go so very often with him; but I went part of the time with him.

3056. And you claimed to have canvassed for Mr. Ripley?—I have claimed for wages.

3057. You have claimed wages for 14 days?—Yes.

3058. For canvassing for Mr. Ripley?—Yes.

3059. You claimed more than 7s. 6d. from Ryan, did you not?—Yes.

3060. You said you had got a wife and four children to keep?—Yes; I expected I was to get something like a week's wages, like I was earning at the time. Jerry Ryan told me he had no more money.

3061. Did you come to Mr. Terry about it?—Yes.

3062. And you claimed from him a week's wages?—Yes; I did.

3063. Did you claim from him for a week or a fortnight?—I was on the committee for 14 days, and I received 7s. 6d. from Jerry Ryan; and then I wanted to claim the remainder from Mr. Terry; he was paying the canvassers, as I understood.

3064. You wanted the rest of your wages for the 14 days?—Yes.

3065. And he only gave you 10s.?—That is all.

3066. Before you were engaged as a canvasser, did you tell Mr. Terry that you had a wife and four children; and you must have something to live on?—Yes.

3067. And you told Ryan that you were working all day long?—No; I cannot say I did; I cannot exactly recollect what I told him.

3068. Did you not try to give him the idea that you were working all day long for Mr. Ripley?—I might do so; I will not be sure of nothing but what I am sure of.

3069. Did you not say that you were working hard for Mr. Ripley?—I told him I was doing my duty as far as I could.

3070. Were you ever told that the men who voted ought not to be paid?—Yes.

3071. You were told that men who voted ought not to be paid before the election?—Yes; by many parties.

3072. Were you not told by some of Mr. Ripley's own people that anyone who was paid ought not to vote?—Yes; I was told by Ripley's party that them that had a vote was not entitled to nothing for it; and other parties told me it did not matter for that; if they had a vote they were entitled to be paid for their vote, so long as they were kept off their work.

3073. Then you made a claim, and you were told that you had voted, and you must not have any money?—No, when I made the claim I never told no party I had voted, except they asked me; If they asked me, I told them always.

3074. Did not Mr. Terry say, "You have voted, and I cannot pay you anything?"—No.

12

3075. Did

R Conroy.

27 January
1869.

R. Conroy.

27 January
1869.

3075. Did you come on Monday night to Mr. Terry at the Old Hall?—It was on Saturday night I got this 10 s.; on the Monday night I came to get paid off, and there was a policeman outside. He said, "If you look for any more money they will lock you up;" I never went after.

3076. Mr. Baron *Martin*.] Was that after the election?—Yes.

3077. Mr. *Little*.] The police were there both Saturday and Monday, were they not?—I could not tell whether it was one policeman or more; I did not take that notice.

3078. Before you began to canvass for Mr. Ripley, did you see Maurice Maloney and Patrick Darcey?—Yes.

3079. Did you tell them that you were going to vote for Mr. Ripley?—Yes.

3080. That was before you came on the committee?—Maurice Maloney had put me on the committee along with Edward Day.

3081. Did you tell Maurice Maloney that you were going to vote for Mr. Ripley?—Yes.

3082. Did he ask you to come on the Irish committee?—I asked him to put me on.

3083. But before you asked him to put you on the Irish committee, you told him that you were going to vote for Mr. Ripley?—Yes.

3084. Where have you been living the last fortnight?—I have been one part of the time in Huddersfield, and another part in Bradford.

3085. Were you doing any work at Huddersfield?—Yes.

3086. What were you working at?—I was labouring for masons.

3087. Who sent you there?—Mr. Mills.

3088. That is Mr. Mills, of Huddersfield, one of the solicitors for the petitioners?—Yes.

3089. Did you see him at Huddersfield?—Yes, I saw him at Huddersfield the morning before I went to work; he sent a little boy up with me to a job.

3090. Who told you to go to Huddersfield?—Mr. Mills.

3091. Why did he tell you to go to Huddersfield?—To work.

3092. Was this after you had told him what you could tell about the election?—Yes.

[The Witness withdrew.

GEORGE LIMBACK, sworn; Examined by Mr. *Mellor*.

G. Limback.

3093. Do you live at 42, Barker's-court, Bolton-road, Bradford?—No. 2, Barker's-court.

3094. You are a shoemaker, I believe?—Yes.

3095. You are a voter for the East Ward?—Yes.

3096. On the morning of the polling, did somebody come for you?—Yes.

3097. About what time?—It was about five o'clock; perhaps a few minutes after five.

3098. Who was it?—I do not know.

3099. Did you go with him?—No, I did not; I went by myself.

3100. Where did you go to?—To the "Ring of Bells."

3101. When you got to the "Ring of Bells," how many persons were there there?—I do not know; I did not take notice.

3102. About how many?—About 20, I should suppose; I do not know how many were there; I did not take notice.

3103. Did you have anything there?—I got my breakfast in the morning; that is all.

3104. Were the other persons getting their breakfast too?—Yes.

3105. Did you see Mr. Kitcheman there?—I did not see him in the morning.

3106. Did you see Mr. Kitcheman at the "Ring of Bells" at any time?—I did see him the night before the election.

3107. Did you pay anything for your breakfast?—No.

3108. Did you go up to the poll from the "Ring of Bells"?—Yes, we went all of us together out of the house; but I left every one of them, and I went by myself.

3109. Whom did you vote for?—For Mr. Ripley.

Cross-examined by Mr. *Waddy*.

3110. Have you been on the committee?—Yes, I was there twice.

3111. Had you promised to vote for Mr. Ripley before?—Yes.

3112. Had you been canvassing for Mr. Ripley?—Yes.

3113. You had been doing all you could to get Mr. Ripley in?—On the contrary; all my meaning was for voting for Mr. Ripley, or for no one.

3114. You induced other people to vote as well?—No.

3115. Did you on that day take anybody to vote with you?—No, I went by myself.

3116. I understand you to say that you canvassed twice; where were you when canvassing?—I was in the "Ring of Bells" twice before the election, in the committee-room.

3117. In addition to that, have you gone about the streets to different people, and tried to get them to vote for Mr. Ripley?—No, not for no one.

[The Witness withdrew.

JOHN BROPHY, sworn; Examined by Mr. *Giffard*.

J. Brophy.

3118. WERE you secretary to Mr. Ripley's committee held at the "Mason's Arms"?—Yes.

3119. Was Mr. Jeffrey Heseltine the chairman?—Yes.

3120. I believe Mr. Whitehouse was one of the persons who asked you to belong to that committee as secretary?—Yes, he was.

3121. When did the committee begin to sit?—The committee began to sit on, as near as I

can remember, the 7th of November, I think it was.

3122. From that day to the day of election, did it sit every day, or only at intervals?—It sat every week night.

3123. From what time to what time did it sit?—From 7 until 11 at night.

3124. Did you have to check what refreshments were given in the committee-room?—Yes.

3125. And did you also have to order them?—Yes, I ordered them.

3126. How came you to order them?—I was told by Mr. Whitehouse to let the committee have refreshment.

3127. Do you remember what amount was sent in that way up to the Saturday night before the election?—As near as I can tell, I think it was between 11 l. and 12 l.

3128. On the evening of the nomination day, did Mr. Whitehouse come to the “Masons’ Arms?”—Yes.

3129. Did he tell you that arrangements had been made about a breakfast?—He said that arrangements would be made for refreshments in the morning.

3130. Were those arrangements to be made by you or by himself?—It was not to be made by me, neither do I know who it was to be made by.

3131. Were you at the “Masons’ Arms” on the morning of the polling day?—Yes.

3132. Was there a breakfast there?—Yes, there was.

3133. What breakfast was there?—There was coffee, and bread, and boiled ham.

3134. And did people breakfast there?—Yes.

3135. Voters and others?—Yes, there was a number of voters among the number.

3136. Do you remember Luke Naylor; was he there?—Yes, I think Luke Naylor was there.

3137. Was Jeffrey Heseltine there?—Yes, he was there with me.

3138. Hardisty, was he there?—I am not very positive about Hardisty.

3139. Was John Hebblethwaite there?—Yes.

3140. John Ivisey, was he there?—I rather think he was there also.

3141. Robert Craven?—Robert Craven was there.

3142. Besides that, were beer and tobacco provided that day?—Yes, it was.

3143. On the Saturday after the election did you receive from Mr. Terry, at the Old Hall, any money?—Yes, I did.

3144. What did you receive?—I received 10 s.

3145. Do you know of any who were voters who were paid on that occasion?—No, I do not know one.

3146. Did you include any voters in the list that you sent to Mr. Terry for payment?—Yes, I did.

3147. How many?—I think I included two.

Cross-examined by Mr. Price.

3148. Did I understand you to say that you did not know of one voter that was paid?—I do not know of one voter.

3149. Then you say you included two voters in your list?—Yes.

3150. Were they struck out then?—One was struck out in my presence, and the other I know nothing of it, but as to whether he got it or not I do not know.

3151. When you went in before Mr. Terry, in inquiry made, when your list was presented, did you know whether any of them were voters?—Yes, I was.

3152. Then, upon one of them being pointed out by somebody as a voter, Mr. Terry struck him out?—Yes.

3153. You say there was another in your list who you know did not get paid?—I do not know whether he did or not.

3154. But he was a voter?—Yes, he was a voter.

3155. That was on the Saturday; were the police there on the Saturday?—Yes.

3156. There was a great crush of people I believe?—Yes, there was.

3157. Did you hear, before you went in, the policeman distinctly telling the people who came for their pay, that if they were voters it was no use their coming?—I heard it, both by the policeman and many others, and that was the reason why I did not put more down.

3158. Then you had heard that before you went to Mr. Terry?—Yes, I did.

3159. Was it in the room, or where had you heard it?—I had heard it before I went up to the Old Hall.

3160. Was it distinctly understood, so far as you knew of the conduct of this election, that the persons who were voters were told that if they received pay they must not vote?—No, I did not hear it at the commencement; it was before the polling day I heard that voters could not be paid legally.

3161. Before the polling day you had heard that persons who were paid could not vote, and that was generally understood, was it not?—It was not understood by the voters; not by all the voters.

3162. You were at this committee at the “Masons’ Arms;” at your committee-rooms were these instructions (*handing the instructions to the Witness*) laid down upon the table, or put about or stuck on the wall?—Yes, I think we had something like it.

3163. It is an extract from the Act of Parliament; his Lordship has got it. When the names were struck off, and you saw them struck off, did you see the clerks at the Old Hall, when you went to Mr. Terry, referring to the returns of the poll-book or to the register to see whether they had voted?—Yes; I believe they were referring to the burgess book or the register.

3164. To see whether they were down there as electors?—Yes.

3165. And then they were struck out of the pay list?—Yes; I believe they were.

3166. I did not catch whether you were a voter?—I am not.

3167. And you were told that refreshments were to be had, and you say that between 11 l. and 12 l., as I understand, were spent up to the Saturday before the election, from the date of the 7th of November; that would be 10 days?—The committee opened on the 7th, but there was a small account opened on the 6th.

3168. Just tell me how many canvassers; I will not ask whether they were all voters or not, but how many canvassers had you coming in on the committee and remaining from time to time at your committee, between the 7th and the election day?—I think I had something over 40.

3169. Of that 12 l. which you say was incurred, about how much was incurred before the election day?—The whole of that 12 l. was incurred up to the Saturday night before the nomination.

3170. And was that by persons who had represented, whether they had done it or not is another thing, but who had represented that they had

J. Brophy.

27 January
1869.

J. Brophy. had been working and canvassing?—Yes; they represented them as having canvassed.

27 January 1869. 3171. The canvassing was done a great deal at night?—Yes; and during the day too they worked through the town.

3172. And then they came in and had this refreshment?—Yes; that was during the sitting of the committee.

Re-examined by Mr. *Giffard*.

3173. Is that your handwriting; I see it is returned with the accounts (*handing a paper to the Witness*)?—Yes; this is my writing.

3174. I see you have got there a list of the persons who were voters and on the committee?—Yes.

3175. I may take it that those persons whom you describe in the list as being voters were voters; you have got the messengers and voters distinguished?—Yes; I have the voters down here, and there is one here that never attended the committee; his name was put down by a friend of his.

3176. With that exception, did those gentlemen attend the committee?—Yes.

3177. And did those gentlemen have the refreshment that my learned friend has been asking about?—Yes; those committee-men and the messengers had refreshments.

3178. There were something like 30 voters there, I think?—I think, if I recollect rightly, there were about 33.

3179. Mr. *Price*.] This is really new matter; perhaps your Lordship would allow me to ask whether these were the committee-men?—Yes; they were all on the committee.

3180. And the others were messengers?—Yes.

3181. Who were non-voters?—Yes; non-voters.

3182. Does that comprise the whole of your committee?—Yes, I think so.

3183. Just let us understand; are those all of them voters; have you compared that with the list, and are you able to say?—I will not be positive to one or two of them being voters; but with the exception of one or two, I think, they were all voters.

Mr. *Price*.] Perhaps his Lordship will allow this to be examined with the register. I will assume that they were voters for the present.

[*The following List was handed in:—*]

Voters Names on Committee.

Jeffrey Heseltine.	John Lee.
William Wainwright.	James Hall.
John Heblethwaite.	James Gott.
Robert Craven.	Charles Sadler.
John Jowett.	George Swain.
Luke Naylor.	John Smith.
Thomas Hessey.	James Dooley.
John Simson.	George Bates.
William Hardisty.	John Kimster.
John Grogan.	William Baker.
Joshua Birch.	James Winder.
John Fannon.	Joseph Duckworth.
Benjamin Clough.	Thomas Parkin.
Richard Lee.	Fletcher Wray.
Anthony Gallagher.	William Kinder.
John Johnson.	Greenwood Harewood.
Joseph Mortlock.	Thomas Renwick.

Messengers.

John Lawler.	Robert Kirkwood.
Samuel Whitehead.	Alexander Carrodus.
Daniel Horrigan.	William Hogan.
James Macdonel.	Thomas Lawler.
John Kingrose.	

Chairman—Jeffrey Hesseltine.
Secretary—John Brophy.

Mr. *Giffard*.] I will put in the account a the “Masons’ Arms” produced by my learned friend this morning.

Mr. *Avory*.] This is an account at the “Masons’ Arms,” kept by Anthony Mitchell, from November the 6th 1868; the account goes up to the 17th of the same month and the total is 25 *l.* 1 *s.* 5½ *d.*, for ale, tobacco and cigars, from the 7th to the 13th; and then on the 13th refreshments, and the rest of the account seems to be ale, tobacco cigars, and refreshments; total, 25 *l.* 1 *s.* 5½ *d.* There is a note upon it, “10 *l.* tendered and refused.”

[The Witness withdrew.]

JANE RANKIN, sworn; Examined by Mr. *Metcalf*.

J. Rankin. 3184. You are a widow?—Yes.

3185. And were you employed as a charwoman at the “Masons’ Arms” during the election?—Yes.

3186. Had you anything to do with drawing the beer while you were there?—Yes, occasionally I had.

3187. On the nomination day was there much beer drawn there?—Yes, there was beer drawn, but I do not know the quantity.

3188. Was there a large quantity?—Yes; there was.

3189. And did it go into the committee-room?—Yes.

3190. Were there a number of people there backwards and forwards?—Yes, there was between 12 and 14 dined that afternoon, and had refreshments, taking bread and meat and beer, and they was there up till 10, and till shutting up time, 11 o’clock.

3191. Did others come in during that time?—Yes, there was strangers came in, and went out;

they had beer and went out, but of course we could not see the refreshment inside you know.

3192. Did you fill the cans with beer?—Yes occasionally I did.

3193. What were they, gallons or half gallons or what?—Both.

3194. What quantity do you think; how many gallons do you think went in?—I have no idea.

3195. A good many?—I cannot say.

3196. On the polling day were many there also?—Yes.

3197. What time did it begin that day?—Five o’clock in the morning.

3198. How many breakfasted at five?—I do not know.

3199. About how many then?—I can form no idea, because they came in during the forenoon and had refreshments, and then went out to vote and then came back again; they came in, odd one and two and three together, strangers that I do not know.

3200. Bu

J. Rankin.

27 January
1869.

3200. But were there first of all several people who breakfasted at five o'clock?—Yes.

3201. What did they have for breakfast?—I am sandwiches and coffee, and those who did not like coffee took beer; we boiled two hams during the night.

3202. Were they consumed during the polling day?—Yes, during the polling day they were consumed.

3203. A number of people breakfasted there at five o'clock; what became of them after they had breakfast?—They came and went in and out during the day and had beer, and then went out and came back again.

3204. When they had breakfasted, was there another batch came in to breakfast?—Yes.

3205. Can you tell at all how many people breakfasted there that morning, or had something there?—There was a very great deal had something; I cannot tell how many.

3206. Do you know were they voters or not voters?—Yes, I know part was voters.

3207. I suppose after the breakfast they went up to the poll some of them?—Yes.

3208. And then came back again?—Yes.

3209. Mr. *Price*.] You did not go with them to the poll?—No, I did not.

3210. Mr. Baron *Martin*.] They went then as they liked?—Yes.

3211. Mr. *Metcalfe*.] How long did the beer go on the polling day; was it the whole day?—Between seven and eight o'clock Mr. Whitehouse came.

3212. Where did Mr. Whitehouse come to?—He came to the kitchen of the "Masons' Arms," and he said, have you stopped the tap, and she said "no"; he said "it is high time to stop now."

3213. That was seven o'clock after all the polling was over?—Yes, it was between seven and eight.

3214. Then it was stopped I suppose?—Yes.

3215. Did anybody pay for all that was sent as far as you know?—No, I never seed no money.

3216. Was the account of that sent in to the committee?—I do not know.

3217. At that house have you seen Mr. Ripley all?—Yes, I seed him one night.

3218. Where did he go?—Into the committee-room.

3219. Did he make a speech to them?—Yes,

but we was in the kitchen, and we could not hear what it was about.

3220. But he did make a speech in the committee-room?—Yes.

3221. Did he come more than once?—No, I never seed him more than once.

3222. I believe he shook hands with you?—Yes, he did.

Cross-examined by Mr. *Price*.

3223. When did Mr. Ripley shake hands with you?—It was on the Saturday night before the polling.

3224. You did not enter that into the bill did you?—No.

3225. Mr. Baron *Martin*.] What did Mr. Ripley say to you?—He said he was proud of the ladies, that was the word.

3226. Mr. *Price*.] It is a positive fact that he was certainly talking of the ladies of Bradford?—He would be.

3227. And none of them liked Mr. Forster or Mr. Miall compared with him; do you remember the election before?—Yes.

3228. There is generally a good deal of eating and drinking at election times at Bradford, is there not?—Yes, there is.

3229. At the municipal election there was a good deal, was there not?—Yes.

3230. That was going on about the same time?—Yes, but there was not so much eating.

3231. They eat more at the borough election?—Yes.

3232. And they drink more at the municipal election, is that it?—Yes.

3233. You say they drink more at municipal elections; one of the petitioners in this case against Mr. Ripley was a candidate at the municipal election, was he not; I mean Mr. Titus Salt?—Yes.

3234. There was a great deal of drinking then, was there?—Yes.

[The Witness withdrew.

Mr. Baron *Martin*.] Is that your case Mr. Giffard?

Mr. *Giffard*.] With the exception of one witness, it is the case as applicable to the East Ward; there are seven other wards in the borough.

JAMES NELSON KENNEDY, sworn; Examined by Mr. *Mellor*.

*J. N.
Kennedy.*

3235. WERE you, on the 10th of November, the "Green Man" at Undercliff?—I was.

3236. Where a meeting of Mr. Ripley's committee was being held?—Yes, a public meeting.

3237. Who was in the chair?—Mr. John Thornton.

3238. Was any quantity of beer ordered while you were there?—There was about eight half-gallon pitcher sent upstairs.

3239. Thomas Taylor is the landlord of that house, is he not?—Yes, he is.

Cross-examined by Mr. *Littler*.

3240. There was a Forster and Miall committee at the same house, was there not?—Yes.

3241. Were you in there?—Not that night.

3242. You had been in there?—Yes.

3243. Have you a vote?—Yes.

3244. Which way did you vote?—Forster and Miall.

3245. Did you ever see any drinking in Forster and Miall's committee-room?—No.

3246. None at all?—Never.

3247. How many times were you there?—Every time there was a meeting.

3248. How many times were you in Mr. Ripley's committee-room?—Never.

3249. Then how do you know where this beer went to?—I was in the bar, where I saw it drawn and sent upstairs.

3250. That is all you know about it?—That is all I know, with the exception of those who came downstairs.

I 4

3251. There

J. N. Kennedy. 3251. There was Forster and Miall's committee-room upstairs, was there?—No.
 27 January 1869. 3252. Mr. *Avory*.] This is the account of the "Ring of Bells," commencing on the 2nd of November 1868, going down to the 17th of

November; the total amount is 36 *l.* 18 *s.* 6 *d.* and there is a memorandum upon it "1 *l.* 17 *s.* 6 *d.* tendered and refused."

[The Witness withdrew.]

THOMAS NOCTON, sworn; Examined by Mr. *Metcalfe*.

T. Nocton. 3253. Do you keep a beerhouse at Bradford?
 —Yes.

3254. Called the "Bobbing Turner"?—No, the "Bobbing Turner's Arms," Silsbridge-lane, in the West Ward.

3255. Are you a voter?—Yes.

3256. And I think you voted for Mr. Ripley?
 —Yes.

3257. Was there a committee at your house?
 —Yes.

3258. For Mr. Ripley?—Yes.

3259. When did it commence?—Last October.

3260. Who took it?—Mr. George Poole.

3261. Who is he?—He is an auctioneer and valuer.

3262. Who was the chairman?—We call him Patrick Murry.

3263. There were a number of people on the committee, I suppose?—Yes, there was a few.

3264. Did you supply refreshments to the committee?—Yes, to a certain extent, I did.

3265. What was the bill you sent in?—I received 15 *l.* for my room.

3266. I did not ask you that; but what was the bill you sent in?—£ 21.

3267. Have you received 15 *l.*?—Yes.

3268. Mr. *Baron Martin*.] Did the 21 *l.* include the room and the refreshments?—Yes.

3269. How much refreshment was there, do you know?—I did not give any refreshment, only to messengers; no voters had anything.

3270. Mr. *Metcalfe*.] Were there refreshments supplied on the nomination day?—Yes.

3271. And the polling day?—Yes, but to none but messengers,

3272. They were called messengers; were any messengers voters?—No, nobbut; my father he was working at that time, but I received 15 *l.* on account of the rent of the committee-room, and refreshments for the messengers.

3273. Did Mr. Joseph Gibson use your house?
 —He was in once or twice.

3274. Is he a butcher?—Yes.

3275. Did he say anything to you about supplying refreshments?—No.

3276. Never?—No.

3277. Who told you to supply them?—Mr Jackson.

3278. Who is Mr. Jackson?—He is a broker; he is a shopkeeper and upholsterer.

3279. Did he tell you to send in the bill to the committee?—Yes.

3280. Not to Mr. Gibson at all?—No.

3281. What did Mr. Gibson come in there for?—He was there at the time when the committee was sitting; he came in just to see how they were going on.

3282. Did Mr. Archibald Neill come too?—Yes, he was there one night.

3283. Did you see Mr. Ripley at all during the election?—I seen him at the house above mine; the "Prince of Wales," another public-house.

3284. Which Mr. Ripley?—Both of them; both the son and the father.

3285. Did anybody introduce you to him there?—No.

3286. Did you speak to him there?—No.

3287. Did he speak to you?—No.

3288. Neither of them?—No.

3289. Did not Mr. Ingham say to Mr. Ripley "This is Tommy Nocton"?—No, that was no said.

3290. Did you speak to Mr. Ripley at all, or to either of them?—I did not.

3291. Did Mr. Ripley say anything about your allowing people to have anything to eat or drink?—Nothing.

3292. Neither of the Mr. Ripley's?—Neither of them.

3293. Did either of the Mr. Ripley's come to your house during the time the committee was there?—No, never.

3294. Be careful; just attend to that question did Mr. Ripley, the candidate, come to your house at any time while the committee was sitting there?—Never; he was never in my house in his life; neither of them; not to my knowing.

3295. Have you ever spoken to Mr. Ripley in the passage of your house?—Never in my life.

3296. Did Mr. Chapman come?—Yes, he came in one night when I was not in; I did not see him in the house; I did not know of it.

3297. On the nomination day did Mr. Chapman come?—No.

3298. Did you see Mr. Chapman at the "Eastbrook" hotel?—I do not know where it is.

3299. Did you see Mr. Chapman anywhere on the nomination day?—No, I did not see him on the nomination day. Yes, I saw him on the nomination day up where the gentlemen were, at the Old Park; I did not see him in any public-house at all.

3300. Did Mr. Chapman give you any money at any time?—Never.

3301. Did anybody give you any money?—No, not on Ripley's side they did not; nought but the 15 *l.*

Cross-examined by Mr. *Littler*.

3302. You say you did not receive anything on Mr. Ripley's side but 15 *l.*; did you get something from Mr. Hargreaves?—Yes, I got 16 *s.* and I got 13 *l.*

3303. Was that for coming here to give evidence?—I tell'd him a lump of lies, and he gave it me for telling him the lies.

3304. You got a great coat from him?—Yes.

3305. You got the one that you have on from Mr. Hargreaves?—No, I bought it out of the money he gave me; I am not telling lies now; I am on my oath.

3306. You received nothing from Mr. Ripley but the 15 *l.* that was paid on your bill?—Yes.

3307. Your bill was 8 *l.* for the room and 13 *l.* for the refreshments?—Yes.

3308. And

3308. And in discharge of that you have taken 15 l.?—Yes.

3309. Tell me next, did you know who were and who were not Mr. Ripley's committee at your house; did you know them by sight?—Yes, I did know them by sight.

3310. Did they sit in a room apart from your other customers?—Yes.

3311. Had they a room to themselves?—Yes.

3312. Did you ever receive any instructions from the chairman as to letting people into that room?—No.

3313. Did he tell you that no one was to go in but committee-men?—Nobody was allowed but the committee-men.

3314. The committee-men used to be there?—Yes.

3315. How many times a-week did they meet?—Perhaps three or four times a week.

3316. Did they seem to take any care about who got into the room; whether they were committee men or not?—I did not see that they were particular about any anybody coming in.

3317. Had they a messenger at the door?—No.

3318. Had they a messenger belonging to the committee-room?—Yes; but he did not always stand at the door.

3319. But he did sometimes?—Yes.

3320. And let people in and out?—Yes.

3321. Did you know at the time you got that 15 l. that Mr. Little was not in Bradford?—I did not get it from Mr. Little.

3322. You got it from one of his clerks—Yes, I got it from Mr. Colt.

3323. In the absence of Mr. Little?—Mr. Little was not there at all.

3324. You have been asked about Mr. Gibson being in your house; he lives next door to you, I believe?—Next door but one; there is a shop between me and Mr. Gibson's. He comes in regularly; he came in many times before the election, and after too.

3325. Is there any truth whatever in your ever having said one single word or syllable to either of the Mr. Ripleys?—Never in this world.

[The Witness withdrew.]

MICHAEL CONLAN, sworn; Examined by Mr. Mellor.

3326. Mr. Baron *Martin*.] WHAT do you know about the election?—There is no question that I were canvassing, for those two days, for Mr. Ripley; I got 10 s.; that is all I know about it. I worked very hard for those two days.

3327. Mr. *Mellor*.] You are a voter, are you not?—Yes.

3328. For the West Ward?—Yes.

3329. Whom did you vote for?—Mr. Ripley.

3330. A plumper?—Yes.

3331. Who employed you?—Thomas Nocton.

3332. Were you put on the committee at his house?—No.

3333. Can you read?—No, I can neither read nor write.

3334. Who paid you the money?—Thomas Nocton.

3335. What did you say when he paid you the money; did you make any complaint when you got the money?—Yes; I said I wanted more.

3336. What did he say?—Well, he said he would see and he would get me some more next week.

Cross-examined by Mr. *Price*.

3337. You wanted more; you worked very hard?—I did those two days.

3338. And you got paid for those two days?—I got 10 s.

3339. I call that getting paid; you think that was not enough?—I could do with more if I got it.

3340. Have you had any more from anybody else since?—I never received a halfpenny; never but that.

3341. From the other side?—No.

3342. Have you never been near them?—Which side do you mean?

3343. I mean Miall?—Yes, I did.

3344. You got some from him?—I got 10 s. from Mr. Hargreaves' office.

3345. Then you have had 1 l. with this 10 s. which you got from Mr. Hargreaves' office; but you worked hard for him?—I had done nothing for it. A man came where I was working to tell me to go to Mr. Hargreaves.

3346. You got 10 s. for walking the street out of Mr. Hargreaves?—Yes.

3347. That is the easiest day's job you ever had?—It was very easy.

3348. When you got your 10 s. from Mr. Nocton, did you not say that you were not a voter?—No, because Nocton knewed.

3349. Do you know Mr. Mossman?—Yes.

3350. He is clerk to the magistrates, is he not?—Thomas Nocton knew I was a voter.

3351. Mr. Mossman, the clerk to the magistrates, you know him?—Yes.

3352. Did you not tell him that you were not a voter when you got paid?—I never spoke to Mr. Mossman.

3353. Did you not say that to Mr. Armitage in his presence?—I never spoke to Mr. Armitage.

3354. Did you not say that you were not a voter?—No, I did not; I never spoke to no one in my life.

3355. Who gave you the money?—Thomas Nocton.

3356. Did you see Mr. Mossman about it?—Never; I never spoke to Mr. Mossman in my life.

3357. Or Mr. Armitage?—No, nor no other man with him.

3358. You never said that you were not a voter?—I never did, because I was a voter, and I could not say that I was not.

3359. But you canvassed?—I did those two days.

[The Witness withdrew.]

T. Nocton.

27 January
1869.

M. Conlan.

WILLIAM HINNIGAN, sworn; Examined by Mr. Metcalfe.

W.
Hinnigan.
27 January
1869.

3360. Do you live at Palladium buildings?—Yes.

3361. Are you a voter for Bradford?—I was a voter on the burgess list, but I did not vote.

3362. Were you first put upon the committee at the “Friendly Inn,” in the East Ward?—No, I was not put upon the committee; I volunteered myself to go.

3363. You were upon the committee at the “Friendly Inn”?—Yes.

3364. A short time after that did Mr. Kitcheman and Ryan say anything to you?—They sent for me. No, he did not send for me.

3365. Did Mr. Kitcheman say anything to you after that?—I met Mr. Kitcheman and Jerry Ryan, and they suggested it would be advisable to open a committee in Silsbridge-lane, and I volunteered to go.

3366. Where did you open the committee?—At the “Shamrock Inn.”

3367. Who was chairman?—We did not open it in the “Shamrock Inn,” we opened it at the “Beckett’s Arms,” but it was removed afterwards to the “Shamrock Inn.”

3368. Did you only remain at that place for a short time?—For a short time.

3369. Then you went to the “Shamrock Arms”—who was the chairman there?—I was the chairman.

3370. This was the West Ward?—Yes.

3371. Had you a number of people on the committee?—Yes, somewhere about between 20 and 30.

3372. Did Joseph Gibson go there?—Yes.

3373. And Mr. Armitage?—Yes.

3374. Was any refreshment supplied while you were there?—The night I went there they had a meeting at the “Beckett Arms” before that, and I went to Mr. Gibson and I asked him if he would furnish me a committee-room for Mr. Ripley, and he said he would.

3375. After you established the committee there, did you order refreshments into the room?—Not that night.

3376. But shortly after you established it?—The night after I spoke to Mr. Gibson, and I said that the men would not be satisfied to stop there all night without having some refreshments, so he asked me what would do. He said “would 5s. worth do,” and I said “I suppose it would.” There was happen about 40 men.

3377. This Mr. Joseph Gibson is a butcher, is he?—Yes.

3378. And a leading man in that Ward, is he?—I do not not know about being a leading man. He was chairman of that district, I expect.

3379. For Mr. Ripley?—Yes.

3380. After he told you that about the 5s. worth, did you order refreshments?—Yes.

3381. Did you afterwards increase the quantity of refreshments beyond 5s.?—No, not there.

3382. What did you do—did you continue at the “Shamrock” committee till the election?—No, that was at the “Beckett Arms.” We had no more than 5s. worth while we stopped there.

3383. When you got to the “Shamrock” what did you do then?—When we got to the “Shamrock” we got no orders at all. There the landlord gave us refreshment as we wanted it.

3384. Did you continue there till the election?—Yes.

3385. On the nomination day did the refreshments come in?—Yes; there was some refreshments—but not by anybody’s orders.

3386. Did the landlord send it in?—Yes; the landlord sent it in.

3387. On the polling day did the landlord send it in?—Yes; but then it was our orders on the polling day; it came in for workers and messengers.

3388. How many people partook of it?—Nay, I cannot tell.

3389. About how many on the polling-day?—There was about 39 on the committee—but then I do not say they all had partaken of it. They all partook of it sometimes happen.

3390. Were some of those 39 voters?—I cannot tell—but I saw a list kept.

3391. You were a voter?—Yes, I was a voter.

3392. A good many were voters?—Yes.

3393. Besides the 39 on the committee, did other people come in on the polling-day for refreshments?—They may have come, but I do not know that there was any strangers there excepting they belonged to the committee.

3394. Who paid for those refreshments?—Nay, you must ask Mr. Little about that; I do not know it was ever paid.

3395. You did not pay it?—No, I did not.

3396. Nor did the other members of the committee?—No, none of them paid, that I know.

3397. Just look at that, and see whether that is the account that you kept there with a list of the committee there (*handing a paper to the Witness*)?—Yes, this is a list of the committee.

3398. Is that your handwriting?—No, it is my secretary’s handwriting.

3399. Is it signed by you?—No.

3400. Is it your secretary’s writing; have you looked over it?—Yes.

3401. Is that a list of the committee that were there?—Yes, it is.

3402. Did Mr. Gibson come to the “Shamrock” as well as to the “Beckett Arms”?—I cannot swear that I have seen Mr. Gibson in the “Shamrock”; he may have been there, or he may not, but I cannot swear.

3403. Did Mr. Ripley come at all?—No.

3404. Was there a dinner there on the nomination day?—No, there was not; there was nothing to eat as I know of there on the nomination day.

3405. Was there on the polling-day?—The landlord gave me and my secretary and the messenger what we had.

3406. I ask you whether there was such a thing, and then you say the landlord gave it, which is extremely unlikely?—I am just going to tell you the cause.

3407. Will you stick to the question; on the polling-day did you and others eat it?—

Mr. Price.] Do ask what was done; he said the landlord on the polling-day did something, and you stopped him.

3408. Mr. Price (to the Witness).] What did the landlord do?—We had been there since eight in the morning, and he told us we would be hungry, and he sent us up something

thing to eat; there was me, the secretary, and the messenger that was waiting on us.

3409. Mr. *Metcalf*.] What is the name of the landlord of the "Shamrock"?—Michael May.

3410. Did you see Jerry Ryan at all?—Yes, I have seen him often, but I did not see him there.

3411. Did you see him while you were holding that committee; did you apply to him at all?—Yes, of course I did.

3412. What for?—I applied to him for some wages; I said we were not working, and we could not afford to lose our time, me and my secretary.

3413. You and your secretary applied for wages, did he give you any wages?—No.

3414. Did he refer you to anybody?—No; he said Mr. Armitage would see us all right as to our wages, for he was the chairman of the ward committee there.

3415. Did you see Mr. Armitage?—Yes.

3416. Mr. John Armitage, was it?—Yes.

3417. Where did you see him?—I saw him at the "Rose and Crown," opposite the infirmary.

3418. Did he give you any money?—Yes; I applied to him for —

3419. Never mind what you applied to him for; did he give you any money?—Yes, he did.

3420. How much did he give you?—He gave me 2*l.*; that is, 1*l.* for me and 1*l.* for the secretary; but when he gave me the 2*l.* he asked me if I was a voter, and if either of us was a voter, and I said of course I was not.

3421. Of course you said you were not; you do not mean to say of course you told him what was not true, because you were a voter?—Because I was not a voter in the West Ward; I did not mean voting; I was a non-voter then.

3422. He meant a voter for the election; he was not talking about the municipal election; you got your 2*l.*, and you told him you were not a voter?—Yes, I got it for myself and for my secretary.

3423. Did you get anything afterwards?—Yes.

3424. What did you get?—I got 3*l.* afterwards, when the election was over.

3425. From whom?—From Mr. George Massman.

3426. Who is he; is he an attorney?—Yes.

Mr. *Price*.] I admit that Mr. George Massman was an attorney employed by Mr. Ripley.

3427. Mr. *Metcalf*.] Did the secretary get some money too?—Yes.

3428. Did they know that you had voted?—No; he asked me if I was a voter; Mr. Massman was paying me the money, and he said, "Are you a voter, Hinnigan?" and I said "No." He asked me how long I was working, and I told him I was working eight days, and he asked me what I charged a day for my time, and he said, "They would pay me 5*s.*;" I said, "5*s.* would not pay me my wages, as I worked very late."

3429. Who went with you to Mr. Massman?—Myself and my secretary.

3430. Did you see Mr. Little at all?—Yes.

3431. Where did you see Mr. Little?—Mr. Little did not go with me to Mr. Massman, but he went to see Mr. Massman to know whether I was entitled to be paid or not, because Mr. Little did not know me.

3432. Did Mr. Little refer you to Mr. Massman?—Yes.

Cross-examined by Mr. *Price*.

3433. On both occasions when you got any money, you stated that you were not a voter?—Yes.

3434. On the polling day, the landlord, as you had been there a long time, sent you up something to eat and drink?—Yes.

3435. What is your secretary's name?—Peter McDermot.

3436. Is he your private secretary?—What do you mean by private?

3437. Did you pay him for his services?—No; I wanted paying myself.

3438. Have you been down to Mr. Hargreave's office; you have had 1*l.* there and 2*l.* out of the other side, have you not?—Which side is that?

3439. Mr. Miall's side?—I never applied to Mr. Miall's side.

3440. Mr. Baron *Martin*.] Did you get any money for giving your evidence?—No, I cannot swear I never got any money for giving my evidence.

3441. Mr. *Price*.] You got 1*l.* at Mr. Hargreave's?—I got 2*l.*, me and my secretary; we did not get it for giving evidence, as I am aware of.

3442. What did you get it for?—Nay, you must ask Mr. Hargreaves what it was for.

3443. How much have you had altogether from him?—I cannot swear how much I had altogether.

3444. You have been helping to get up the case?—Yes, of course, I have been at work there; I was not going to work for nothing.

3445. You and your secretary?—I do not know about my secretary.

3446. How much have you had altogether from Mr. Hargreaves?—I had my wages.

3447. How much?—My wages per week?

3448. How much have you had?—If I tell you will you make it more?

3449. No, I am sure I will not. Are you to have something beside if Mr. Ripley is unseated?—I was never promised anything of that sort at all.

3450. How much have you had?—I have had 30*s.* a week, my wages and expenses.

3451. Mr. Baron *Martin*.] What are you?—A labourer.

3452. Mr. *Price*.] What do you earn ordinarily; what are your expenses?—It just depended upon what I did expend.

3453. What did you expend?—If you can give me 10*l.* I can go out and spend it immediately.

3454. You have had 30*s.* a week and expenses; how much have you had for expenses?—Sometimes I have got 5*s.* a day for expenses, and sometimes I have got nowt; that's just it.

3455. Did you get so much a head for the fellows you brought to Mr. Hargreaves?—No, I got nothing for the fellows that I brought to Mr. Hargreaves, because I was paid my wages; I never got anything of the sort.

3456. Were you to have so much a head for the men you could bring?—I do not know about other men; I am only answering for myself.

3457. But did they give so much a head?—You must ask Mr. Hargreaves about that; I cannot tell.

3458. Has it been generally understood that

W.
Hinnigan.

27 January
1869.

W.
Hinnigan.
—
27 January
1869.

so much a head has been given?—Do you want me to swear to something I don't not know; I tell you I do not know it.

3459. Have you seen men paid, when you have been down at Mr. Hargreaves, so much for each witness they have brought?—No, I have never seen any men paid, only one man, I suppose they called him Michael Finnen. I do not say that he has paid him for that; he was paid for the trouble going there.

3460. How many times have you been down at Mr. Hargreaves?—I have been there every day since I have started working for him.

3461. When did you start working for him?—I cannot exactly say; within, as near as I can guess, it would be about a fortnight or better.

3462. Then you are doing nothing else now?—No, of course not.

3463. Did you take the door-keeper away from Mr. Ripley's rooms, and take him down to Mr. Hargreave's?—What do they call the door-keeper.

3464. John?—John what?

3465. Did you take any such man down there?—I want to know what John it is.

3466. John at the old post office?—What is his name?

3467. Do you know John at the old post office?—John Holdsworth they call him. I came for him and told him there was a gentleman wanted to see him.

3468. It was Mr. Hargreaves wanted to see him, was it not; and you took him down and he was the door-keeper of the committee-room, and you told him Mr. Hargreaves wanted to see him?—I said there was a gentleman wanted to see him. He said he did not know where he was going until he went to Mr. Hargreaves.

3469. You took him to Mr. Hargreaves?—Of course I did take him to Mr. Hargreaves.

3470. Did you get anything for taking him to Mr. Hargreaves?—No, I didn't get nothing.

3471. Did you get expenses for taking him that day?—I got expenses, many a day, when I did not take him at all.

3472. Did John go down with you?—Yes, of course he went with me.

3473. John could not tell anything, could he?—You had better ask John himself. I do not know.

3474. Did he not say that he did not know Mr. Ripley by sight, and did they not say you will not do for us?—I was not there, and I did not hear John talk.

3475. Was not it the fact, that when he said he did not know Mr. Ripley by sight they said, you will not do for me, and would not give him anything?—I know nothing at all about it.

3476. Did you get a retainer from Mr. Hargreaves?—What do you mean by a retainer? I do not understand it.

3477. I know what it is, but did you get one; you were to have so much if you would act for him; did you have the money down to act for Mr. Hargreaves. Cash on the spot; that's the best way to be retained, to have the money paid at once?—He has given me nothing but what I have told you here.

3478. There was some smart money paid at once; how much did you get paid at once; on the 29th December did you not get 1 l.?—I cannot tell you what time it was, but I have gotten it.

3479. Did you get 1 l. from Mr. Mill that day at Mr. Hargreaves' office?—Yes.

3480. Did you see it entered in a book?—No, I did not.

Re-examined by Mr. Metcalf.

3481. Did you get more from Mr. Hargreaves than paid for the work you were doing for him?—No. If I had to work the same time that I have worked for Mr. Hargreaves I would not be paid for my time at all.

3482. Did you do work for all that Mr. Hargreaves paid you for?—Yes. I do not know whether I have been at work for him or not, but I have been working.

3483. When Mr. Hargreaves told you to fetch a witness for him to see, you fetched him, did you?—Yes, of course.

3484. And Mr. Hargreaves, I suppose, was employed in getting up the case for the petitioner, just as Mr. Little and the other gentlemen are employed in getting up the case on the other side?—Yes.

3485. Just look at that; is that your signature to that bill (*handing a bill to the Witness*). That is the landlord's bill at the "Shamrock"?—No, I never wrote that at all. I have never signed it at all; that is not my signature.

Mr. Price.] How does that arise?

Mr. Metcalf.] We are going to put in that bill.

Mr. Price.] You should have put it in in the first instance, and I could have seen what it was.

Mr. Metcalf.] Those are two bills; the one is the "Beckett's Arms," and the other the "Shamrock" (*handing the same to Mr. Price*).

Mr. Avery.] Those are two bills, one from the "Beckett Arms," and one from the "Shamrock." The total amount of the "Beckett Arms" bill is 13 l. 6 s. At the "Shamrock" Inn there are two accounts; one is for refreshments, 17 l., and for the rent of the room, 10 l. Then there is written, total, 27 l. 4 s. 6 d.; that is dated November 20th. There is another account, dated October to the 17th November 1868; Michael May, for gas coal, and rent and the use of room, 20 l.

Mr. Price.] What I propose to ask this Witness is this: he being chairman of this committee, whether if he knew of any such expenditure being going on as is represented by those bills, because your Lordship knows those are amongst the class that we have repudiated; therefore, I should like to ask him about it.

3486. Mr. Baron Martin.] Do you know whether this is correct or not?—No; I would not swear to that account at all.

3487. Mr. Price.] There is one from Michael May, that is the "Beckett Arms;" no, that is the "Shamrock."

3488. It is 20 l. gas and rent. When did you go the "Beckett Arms," do you remember, or to the "Shamrock"?—To the "Shamrock," the Tuesday before the election.

3489. Is Michael May the landlord of the "Shamrock"?—Yes.

3490. Were

*W.
Hinnigan.
27 January
1869.*

3490. Were you there in October?—No; the election was on the 17th of November.

3491. But were you there in October?—No.

3492. Mr. Baron *Martin*.] When did you begin to work at the “Shamrock”?—I went to work at the “Shamrock” the Friday night before the election.

3493. Mr. *Price*.] Mr. Ripley’s committee meeting, of November the 20th, “Shamrock” Inn, for refreshments, 17 *l.*, and rent of room, 10 *l.* Do you know of any such refreshments amounting to anything like 17 *l.* whilst you were there?—No, I cannot swear to refreshments amounting to 6 *l.*

3494. Did the landlord ever come up to you, and ask you to pass any account for refreshments?—Yes, he told me what amount there was, but I kept no account; but I left the landlord to keep the account.

3495. Was it after the election he told you?—Yes, it was after the election.

3496. Did he ever come up, from time to

time, to ask you to authorise those refreshments to be given?—Yes, I did authorise it; I kept no account of the bills, what the refreshments came to.

3497. At all events, you did not begin until Friday before the election. The election was on the Tuesday, and you began there on the Friday?—Yes.

3498. And a rent of 10 *l.* is charged, and 17 *l.* for refreshment?—I do not know about that.

3499. Mr. Baron *Martin*.] Are those two documents in your handwriting?—No, they are not; they are my secretary’s handwriting.

3500. That is McDermot’s?—Yes.

3501. Who are the people that are named there; are those the people whom you call the committee who come to the house?—Yes.

3502. Those are they, and you put them down by name?—Yes, those are the names.

[The Witness withdrew.]

JAMES BURKE, sworn; Examined by Mr. *Mellor*.

J. Burke.

3503. Do you live in Loom-street, Wapping, Bradford?—Yes.

3504. You work for a man named Patrick Ryan, do you not?—No, I work with him.

3505. Do you know Sam Abel, the landlord of the “Equity” Inn, in George-street?—Yes.

3506. Do you remember Abel coming there to you before the election?—Yes.

3507. How long before the election?—It would be four or five weeks.

3508. Did you form a committee at Abel’s house?—Yes.

3509. Who was the chairman of that committee?—There was not a chairman appointed for some time.

3510. Who was appointed chairman afterwards for Mr. Ripley?—Patrick Ryan was chairman.

3511. The committee was held at Abel’s house, was it?—Yes.

3512. Do you know Mr. Louis Ingham?—Yes.

3513. He was the secretary of the central committee of the ward?—Yes, as far as I know he was.

3514. Did you see him at Mr. Abel’s house when the committee was formed?—Yes.

3515. Do you remember being, about three weeks before the election, at Abel’s house?—Yes.

3516. Did Abel give you anything?—Yes.

3517. What was it?—He gave me about 6 *l.* or 7 *l.*; he gave me 7 *l.*

3518. Do you mean 7 *l.* then, or 7 *l.* altogether?—He gave me 7 *l.*; at least between 7 *l.* or 8 *l.*

3519. The first time how much did he give you?—He gave me 2 *l.*

3520. Mr. Baron *Martin*.] What did he give it to you for?—I do not know; he said he did not want us to do anything, only go there and form a committee; he should not ask us to do anything; that was Patrick Ryan and me.

3521. What was the 7 *l.* for?—I do not know; I was vice-chairman.

3522. Mr. *Mellor*.] You say you first got 2 *l.*; how long after that did you get any more?—In the course of the week, I think, I got some more.

3523. How much more did you get the next time?—I got 2 *l.*

3524. When did you next get any more?—

Well, there was a meeting in St. George’s Hall, and Sam Abel gave me a sovereign to get some rough fellows to go there with me and stand a little bother, if there was any.

3525. Why were you to go with the rough fellows and stand a little bother, if there was any?—It was a meeting called for Irishmen.

3526. Did you go to the meeting?—Yes.

3527. Who was in the chair at the meeting?—Mr. McNulty.

3528. Did you see Mr. Ripley there?—No.

3529. When did you get any more money after this?—I got 2 *l.* on the Saturday previous to the election.

3530. Mr. Baron *Martin*.] What was it for; was it for doing nothing?—For the same purpose.

3531. Mr. *Mellor*.] After the election did you get anything?—Yes.

3532. How much was that?—I got 10 *s.*

3533. Who was that from?—I got it from Mr. Louis Ingham.

3534. Mr. Baron *Martin*.] Are you a voter?—No.

3535. Mr. *Mellor*.] Did Mr. Ingham often come to the committee at Abel’s house?—Yes.

3536. Had you refreshments at Abel’s house?—Yes, abundance of it.

3537. How often were you at Abel’s house; how many times a week?—We used to meet twice a week.

3538. Had you refreshments every time?—Every time.

3539. How many people were there, as a rule?—There would be from 20 to 30; sometimes 40.

3540. And did they all get refreshments?—Yes, every one that was there; if there was a hundred they would get refreshments.

3541. Eating and drinking?—Sometimes eating.

3542. More generally drinking?—Yes, more generally drinking.

3543. As much as they wanted?—As much as ever they wanted.

3544. Were there voters there as well as non-voters?—Yes.

3545. Do you know the South Ward executive committee—

J. Burke.

27 January
1869.

committee-rooms?—I think the South Ward executive committee-rooms were at the "Junction Hotel."

3546. Have you ever seen Mr. Ripley there?—I have not at the "Junction."

3547. Where have you seen Mr. Ripley?—I saw him at Sam Abel's.

3548. And did they give you this list as a list of the committee (*handing a list to the Witness*)?—Yes.

3549. Who give you this list?—Sam Abel.

3550. There was an English committee at Abel's house as well as an Irish committee, I believe?—I do not know that.

3551. On the nomination night were you at the "Masons' Arms"?—Yes.

3552. Did you see Mr. Berwick?—Yes.

3553. And Jeremiah Ryan; was he there?—Yes.

3554. And did you have any conversation with Ryan?—Yes.

3555. What was it about?—About breakfast the next morning, and he introduced me to Mr. Berwick.

3556. What did Mr. Berwick say?—He said he would go with me; as long as it is in a good cause, it did not matter who done it, though he did not belong to that ward.

3557. Mr. Baron Martin.] Who said that?—Mr. Berwick said so.

3558. Mr. Mellor.] As you were coming away from the "Masons' Arms" did he say anything to you about inviting people to breakfast?—Oh, yes.

3559. Who said this to you?—Mr. Berwick, he said that I could invite any person I liked; and if they were voters I might charge them a penny or twopence for their breakfast; I might invite them, he said.

3560. What had they for breakfast?—I was not at the breakfast.

3561. Did you go with Mr. Berwick to Abel's house?—Yes.

3562. Did you hear him order breakfast?—He dictated a letter to a young man that was in the chair that night.

3563. What did you hear Mr. Berwick say?—I did not hear him dictate the letter.

3564. Did you hear him say anything to Mr. Redman about it?—No, I did not hear him say anything about that; I know the letter was written; to the best of my knowledge he did dictate the letter to Mr. Redman; he sat close to him, and held his head towards him while Mr. Redman was writing.

3565. And Mr. Berwick dictated it?—He dictated the letter to the best of my knowledge.

3566. Did you know whom the letter was directed to?—I did not.

3567. On the polling day were you in the committee-room at Abel's house?—Yes.

3568. Was any whisky brought in?—Yes.

3569. Who brought in the whisky?—Sam Abel.

3570. And did he say what was to be done with it?—Yes.

3571. What?—Give it to the voters when they would come in; it did not matter who I gave it to so as I did give it.

3572. How much whisky was there, about?—There was above a quart, I should say; it was in a jar.

3573. And did you give it to the voters and

the people?—I give it to every one; it did not matter whether they were voters or non-voters.

Cross-examined by Mr. Price.

3574. What is Abel's, is it a public-house or a beerhouse?—Beerhouse.

3575. Where did you get the whisky from?—From Sam Abel.

3576. He has not a spirit license?—I do not think that he has, but I got the whisky of him, however.

3577. What are you?—I am a shoemaker by trade.

3578. Are you at work now?—Yes.

3579. Where?—At home in my own house.

3580. Do you work on your own account?—I work for a shop, and on my own account, and for Mr. Stead.

3581. When did you get the last payment from Mr. Stead?—I got 2 s. 6 d. out of him yesterday.

3582. Did you borrow it?—No.

3583. Had you earned it?—I had earned it.

3584. Did you tell Ryan that you had canvassed for some weeks, and it was very hard to be canvassing for some weeks and get nothing?—No.

3585. Nothing of the kind?—No, never.

3586. Had you canvassed?—I never had canvassed.

3587. Never said so?—No.

3588. What did you ask him for the money for?—I did not ask for it.

3589. What did you get it for?—I do not know; he gave it to me.

3590. It was a mystery to you?—It was no mystery to me, when he told me to go and spend the money on voters, and induce them to vote.

3591. Who told you that?—Sam Abel did.

3592. That you swear?—Yes.

3593. Did you never complain that it was not enough, and did you not tell Ryan that Abel had given you nothing?—He did not give me anything until last week or nearly so.

3594. He gave you 2 l. at first?—Yes, that was the Monday week previous to the election.

3595. Did you, notwithstanding you had received that 2 l., say to Ryan that you had had nothing from Abel at all?—I do not know anything about that.

3596. Did you complain that you had nothing after you had had 2 l. from Abel?—I told you I did not know anything about Ryan; I never had any conversation with him about it.

3597. Mr. Baron Martin.] After you had got 2 l., did you say you had not got anything?—No, I never said such a thing; if I got the money I would tell you at once, if I did.

3598. Mr. Price.] Are you a voter?—No.

3599. Have you been at Mr. Hargreaves' offices?—Yes.

3600. How many times?—I have not been half-a-dozen times.

3601. Have you been half-a-dozen times?—It is as much as I have.

3602. But you have been about that?—Yes.

3603. Who took you there first?—I went there myself.

3604. How came you to go to Mr. Hargreaves; did you know him?—No, I did not; not before this election.

3605. Did you hear that there was anything being given for evidence?—No, I did not.

3606. What

J. Burke.
—
27 January
1869.

3606. What did you go to Mr. Hargreaves for?—It was published in the paper that there was to be information laid, and I went and left the information.

3607. Have you had any money?—No.

3608. None?—None; yes, I had 5 s. one day for my trouble; that was for my day's wages.

3609. What wages?—I mean, I broke a day for to go.

3610. Wait a moment; where was the notice for you to go?—There was no notice for me to go.

3611. For anybody to go?—It was in the paper regularly.

3612. To go where?—To go to Mr. Arnold or any other gentleman who would take evidence; it did not matter, any gentleman at all, in fact.

3613. Then to whom did you go first; Mr. Arnold or Mr. Hargreaves?—I went to Mr. Hargreaves; I had heard some men talking that they had given information, and through them I learnt it was Mr. Hargreaves was taking evidence.

3614. Had they been paid for it?—No, I did not say so.

3615. Had you heard that they had been paid?—No, not a word.

3616. Had you made a claim for 10 l. on Mr. Ripley's committee before you went to Mr. Hargreaves?—Sam Abel told me that the money that he gave me—

3617. Had you made a claim on Mr. Ripley's committee for 10 l. before you went to Mr. Hargreaves?—Yes.

3618. And had been refused?—Yes; just let me explain. Sam Abel told me to go and spend this money on voters and treat them, and to use my influence on them to bring them to vote, and

we should be well paid afterwards, and I showed Sam Abel a note that was written by the secretary, and he said it was very little indeed. I asked him to sign it, he said his hand was sore; he had got a rap with a poker at the election, and he said he could not sign it; but then I presented the note to Mr. Bray, and he said he would get it paid if Sam Abel would sign it, and he told me and Mr. Ryan to go on and we should not be underpaid, we should be overpaid sooner than underpaid.

3619. Mr. Baron *Martin*.] This was Sam Abel?—Yes.

3620. He started this committee at his own house?—Yes.

Mr. *Giffard*.] In the return which has been put in, Sam Abel has been returned as chairman of the English committee at this place.

Mr. *Price*.] I want to ask whether this 10 l. was a claim for services rendered.

Mr. Baron *Martin*.] Everything is a claim for services rendered.

3621. Mr. *Price*.] Then I want to ask him this: did not you say that if you did not get this 10 l. as you knew men were going to Mr. Hargreaves, though you should not like to go there unless you were compelled, if you were not paid you would do so?—No; I never said such a word.

3622. To Mr. Ingham?—I never said such a word to anybody.

[The Witness withdrew.]

PATRICK RYAN, sworn; examined by Mr. *Giffard*.

P. Ryan.
—

3623. ARE you a voter for the borough?—Yes.

3624. I will ask you at once for whom did you vote?—For Mr. Ripley.

3625. About three weeks before the election did you become chairman of a committee?—Yes.

3626. Was that a committee that met at Sam Abel's house?—Yes.

3627. About a fortnight before did Sam Abel speak to you about giving up your work, and devoting yourself to the election?—It was a week before; on the Monday week before.

3628. Tell me exactly what he said upon that occasion?—He told me I was to give my work up; that is, if I could, and that I would have to attend to the election on that week, and I told him that I did not know that I could altogether give my work up, but he said that I might go an hour or two; "You may work an hour or two at your trade, and give the rest of your time to us." Of course, I knew an hour or two would be no use to me, and that I should have to devote all my time to my trade or otherwise to the election.

3629. What was your trade?—I am a boot and shoemaker; then, of course, I left work and started with him on the Monday morning.

3630. What did you receive first of all?—He at first gave me 2 l. on the Monday week before the election.

3631. When next did he give you anything?—On the Wednesday night following he gave me 2 l. more.

3632. On the Saturday night before the election did he give you anything?—He gave me another 2 l.

28.

3633. Mr. Baron *Martin*.] What was this for?—When he first gave me the money on the Monday morning he told me I was to take it home, and go to a public-house and should treat parties such as I thought fit, and he said, "You need not be short; you can get money when you require it;" and he said, "After the election is over you shall certainly be well paid; we will rather overpay you than underpay you."

3634. Mr. *Giffard*.] Do you remember the same night a number of men waiting about the committee-room; the Saturday previous to the election?—Yes, I do.

3635. Were there any voters among them?—Yes; there would be a few.

3636. Did Abel come up to you that night, and speak to you at all about it?—He came and told me in the street that he could not get any money for the men; and the last Witness, Mr. Burke, and Mr. Davit, and me went on to the "Junction," and we saw Mr. Ingham.

3637. That was the central committee-room for the South Ward?—Yes; we up and we told him that we were at Sam Abel's, and we were going for our wages; Mr. Ingham told us to give Sam Abel directions, and we did; we came there for him, and Abel came down and met us in the street, and he said I have got a deal of money, and can pay the men to-night with it.

3638. On the Wednesday or the Thursday before the election, did Abel give you directions about forming an Irish executive for the borough?—It was not Abel; it was Jeremiah Ryan came to my house about it; he told me that I was to

P. Ryan.
27 January.
1869.

go to the "Junction Inn"; I cannot exactly tell what day that would be; he said I was wanted down at the "Junction"; that the chairman of the Irish committee would be required to attend there that night, and so of course I went.

3639. Did you see Jerry Ryan?—Yes.

3640. Did he give you anything?—On the Saturday before the election he gave me 2 l., and in the "Swan."

3641. That is an additional 2 l.?—Yes; that was before I got the money out of Abel on the Saturday night.

3642. Do you know at all what was the amount of the bill at Sam Abel's?—I do not; the secretary really kept the accounts; of course I was not a scholar; Thomas Davit was secretary, and he kept any account that was kept.

3643. Were there refreshments going on at this committee-room?—Yes.

3644. From the time you joined it till the election-day?—Yes.

3645. Did people order them and pay for them as they wanted them, or did everybody have them as they liked?—I never saw any paid.

3646. On the morning of the election did you see anything to drink brought into the room?—I was not there the first thing in the morning; during the day I did.

3647. Mr. Baron *Martin*.] Was that the polling or the nomination-day?—On the day of the election; the polling-day I saw whiskey divided.

3648. Mr. *Giffard*.] What was it from?—It was in a little jar.

3649. About how much do you suppose it was?—To the best of my opinion it would be half a gallon or very like, not quite so much; but that is as far as I can say.

3650. Did you receive anything after the election?—Yes, I got 12 s. 6 d.

3651. From whom?—I could not tell the gentleman who paid me; there was two gentlemen came and paid me.

3652. Where was it paid?—Up in Abel's room.

3653. In the Committee-room?—Yes.

Cross-examined by Mr. *Price*.

3654. Did you get any money from anybody but Abel?—Yes, I got 2 l. from his wife; that was to pay for the men on the nomination day at the cook's shop, because she said she could not provide them with dinner.

3655. Then you took people to a cook's shop and gave them refreshments?—Between 20 and 40.

3656. What are you?—I am a journeyman shoemaker.

3657. Are you in business now?—No, I work for a shop.

3658. Are you working now for anybody?—I gave over my work on last Monday morning.

3659. Before that had you been working?—I worked every day since the election up to last Saturday.

3660. Have you been to Mr. Hargreave's office?—I have been there about five or six weeks since.

3661. Have you had any money there?—I have not; I had not a farthing.

3662. You had voted for Mr. Ripley?—I did.

3663. How did you come to go to Mr. Har-

greave's; I suppose you voted for Mr. Ripley on principle?—After I heard the petition was on, there was first one came and then another, and they kept telling me if I did not go down I should certainly drop in for it.

3664. Who told you this?—Different parties; none that I can see now, a man of the name of Steve Aiken.

3665. Is he an Irishman?—Yes, there were several told me.

3666. Did the Irishmen come and threaten that if you did not give evidence it would be worse for you?—The Irishmen came and said I had to come down and make a clean breast of what I knew.

3667. Did they not threaten you that if you did not come down and say what you could, it would be the worse for you?—They told me there was information laid against me, and my treating men in the cook's shop, and the drinking I had seen going on in Abel's. They threatened me, and I went down to see whether I would have any protection. I went down to Mr. Hargreaves and said I did not want any money, but I merely came to know if I would have any protection. Of course Mr. Hargreaves told me I would, and by means of speaking the truth I should get the protection of the law.

3668. Did it so happen that you had claimed 10 l. and had been refused?—I did not claim anything, but my bill was sent out.

3669. For 10 l.?—Yes, but of course I was not the party who made the bill out.

3670. Who made the bill out?—The secretary Davit; they call him Richard Davit.

3671. How did you make out the 10 l.?—Abel promised us he would pay us handsomely, and after the election was over we presented the bill to Abel.

3672. How long after you had been refused the 10 l. did you go to Mr. Hargreave's?—I did not go to Mr. Hargreave's with the view of getting any money.

3673. But you did go after you had been refused the 10 l.?—Yes.

3674. Did you see this gentleman here (*pointing to a gentleman in court*) three days before the election, at the junction?—I saw him in Mr. Abel's.

3675. At the junction?—No, I did not.

3676. Look again; did not that gentleman tell you that there was to be no treating on any account whatever?—No, I know Mr. Garnett; I never saw him at the junction, and he never said anything of that sort to me.

Re-examined by Mr. *Giffard*.

3677. Did I understand you that you saw Mr. Ripley at Abel's?—Yes, on two occasions.

Mr. *Giffard*.] These are the accounts (*producing the same*), and there are 2 l. professed to be paid by Abel to this man Patrick Ryan, and to James Burke in the account.

Mr. *Avory*.] This account is dated November 2nd, 1868. Mr. Ripley's committee to Samuel Abel.—Gas, room, and refreshments for six meetings, 6 l. 17 s. Then November 14th.—Gas, room, attendance, and refreshments, 8 l. 10 s. 7 d. The first was paid on the 9th, and the second was paid on the 14th of November. Then there is a separate paper

paper. The 11 *l.* received of Mr. Ingham on the 14th of November was paid to the undermentioned canvassers: Patrick Ryan, 2 *l.*, James Burke, 2 *l.* The others are immaterial. The total is 11 *l.* The receipt of

the 14th of November is for the sum of 15 *l.* received from Ingham. They are both receipted by Samuel Abel.

P. Ryan.
27 January
1869.

[The Witness withdrew.]

BRIEN O'NEILL, sworn; Examined by Mr. Metcalfe.

3678. You live at 26, Eastbrook Lane, do you not?—Yes.

3679. Had you promised to vote for Forster and Miall?—Yes, I had.

3680. After you had done so did anybody come to ask you to go to Abel's?—Yes.

3681. Who?—A man called Samuel Abel.

3682. What did he ask you to do?—He asked me who I was going to vote for. I said I was going to vote for Mr. Forster and Mr. Miall; and he said that I must not do so; that I was to come with him and vote for Mr. Ripley, and that he would see me right.

3683. Did he say what he meant by seeing you right?—No, not exactly; he meant that I should have some money, I suppose.

3684. Did you then, after what he said, go with him?—I went to his house.

3685. And from that time did you attend his house?—Yes.

3686. Were you put upon the committee?—No, I was not.

3687. Did you partake of the refreshments at the house?—Yes.

3688. Did you get any money?—Yes, a little.

3689. How much did you get?—I got 2 *s.* at one time, 1 *s.* at another time, and 8 *d.* at another time, and 10 *s.* at the latter end.

3690. When was the 10 *s.* given to you?—I cannot say, after the election.

3691. Who gave you the other; did Abel give you any money?—Yes, he gave me 1 *s.*

3692. Did you get refreshments at Abel's?—Yes.

3693. Did you pay for them?—No.

3694. Did you see Abel pay anybody else?—No.

3695. Did you see anybody else receive any money when you did?—Yes, I saw several receive.

3696. Who paid them?—I believe he was a Mr. Ingham that paid at the Queen Hotel.

3697. Did you see it paid; you got the 10 *s.* yourself from Mr. Ingham?—Yes, and several others I saw besides get it.

3698. Who was Mr. Ingham?—I cannot exactly tell.

3699. Mr. Price.] He was the secretary of the South Ward.

Cross-examined by Mr. Price.

3700. You got your money as a messenger, did you not?—No, I did not go any messages.

3701. I do not care whether you went messages, but you got it and you asked for it as having been employed as a messenger?—No, I was not employed as a messenger.

3702. I do not care whether you were employed as a messenger or not, but you said so when you got your money; did you apply to be put on as a messenger?—No, I did not; but Abel said I would get this money at the Queen Hotel.

28.

3703. But did you get it on the statement that you had been employed as a messenger?—No, not that I know.

3704. What name did you give when you applied for your money?—I gave no name; Abel told me to go to the Queen Hotel and I should get 10 *s.*

3705. You gave no name?—He gave a name for me.

3706. What name did he give?—If I remember rightly, he said Thomas Brien.

3707. You heard him give a false name?—No, I did not hear him give the name at all; it was his daughter put the name down.

3708. Did Abel know your real name?—Yes, I lived close by, and he said, "You will draw 10 *s.* in Thomas Brien's name."

3709. You knew that that was not your name, and you went and drew 10 *s.* in Thomas Brien's name?—Well, sir, I did not think there was any harm in it.

3710. Was Thomas Brien's name called out by Mr. Ingham?—Yes, it was.

3711. Did you answer to it?—Yes, I did, and I got the 10 *s.* in it.

3712. Did Mr. Ingham, before he paid each man, ask whether they were voters?—Yes, I believe he did.

3713. Did you say you were not a voter?—Yes, Samuel Abel told me to say so.

3714. Has Samuel Abel such command over your conscience that you could put everything in his keeping?—I did not know it was wrong.

3715. You did not know it was wrong to give a false name?—I did not give a name at all.

3716. You answered to it, did you not?—Yes.

3717. You thought there was nothing wrong in that?—No.

3718. You thought when you were asked whether you were not a voter, that it was very wrong to say you were not?—No, he told me to say so.

3719. Do you know the difference between right and wrong; do you mean to tell me that you did not think it was wrong to tell a lie to get 10 *s.*?—I did not exactly tell a lie.

3720. You were asked if you were not a voter?—Yes.

3721. And you said you were not?—Yes.

3722. And you got 10 *s.* on the faith of that statement?—Yes.

3723. Although you were a voter?—Yes.

3724. Do you call that exactly telling a lie or not?—No.

3725. Had you voted?—Yes.

3726. According to your principles?—I voted for Mr. Ripley.

3727. And you had promised Forster and Miall?—Yes.

Re-examined by Mr. Giffard.

3728. Was any explanation given to you; did they tell you why you were to ask for the 10 *s.* in another name?—No; Samuel Abel told

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me,

B. O'Neill. me, you must go to the "Queen Hotel," and you will draw 10s. in Thomas Brien's name.
 27 January 1869. 3729. Is Thomas Brien a voter?—I do not know at all.
 3730. However, you were, and you were to

draw the 10s. in Thomas Brien's name?—Yes.
 3731. You voted for Mr. Ripley, I think you told us?—Yes.

[The Witness withdrew.]

MICHAEL MANTON, sworn; Examined by Mr. *Mellor*.

M. Manton. 3732. Do you live at 75, George-street?—Yes.
 3733. Are you a voter?—Yes.
 3734. Who did you vote for?—Mr. Ripley.
 3735. A week before the election, did you see Abel?—Yes.
 3736. Did he give you anything?—He gave me 1l.
 3737. Did you get any more money?—I got 10s. the same night, about eight o'clock.
 3738. Did you get anything else?—I got 12s. 6d. at his house the Wednesday after the election.
 3739. Who paid you the 12s. 6d.?—I could not exactly tell you; it was at Sam Abel's house.

Cross-examined by Mr. *Price*.

3740. You voted, of course, according to your principles?—Yes.
 3741. You all seem to have done it; what was the 1l. for?—For work.
 3742. What work did you do?—Sam Abel told me to stop off my work, and go and work for him, and he would pay me on Saturday night.
 3743. Were you to work for Sam?—Yes.
 3744. What were you to do for Sam?—I canvassed for him.
 3745. How long did you canvass?—A week.
 3746. And you got 30s.?—Yes, I got 30s.
 3747. And you worked pretty hard?—Yes; I worked pretty hard.
 3748. Did you make a return to Sam of what you had done?—Yes.
 3749. Where did you draw the 1l.?—In his own house.
 3750. Did you go to Mr. Hargreaves?—Yes.

3751. How happened you to go there; had you made a demand for more money?—No.

3752. How was it you went there?—I was told that there was several parties came to my house.

3753. Who sent for you?—There was a man went down and told me that Mr. Hargreaves would like to see me.

3754. You knew that Mr. Hargreaves was getting up the case against Mr. Ripley, for whom you voted?—Yes, several came to see me, and wanted me to go down.

3755. Did they say it would be better for you to go?—Yes.

3756. That you would get a little money?—I got no money.

3757. They told you it would be better for you to go; how would it be better?—It would clear myself.

3758. How was it to clear yourself?—By saying it before my Lord, you see; he would clear me.

3759. You had taken money, and you had voted, and you thought that would clear you?—Yes; I worked for it.

3760. Were you not told you were not to vote if you were paid money?—I did not know anything about it; it was the first vote I had had.

3761. Did any one tell you before the election that you were not to vote if you were receiving pay?—No, not to my knowledge; I swear it.

3762. Can you read?—No, I cannot.

3763. Mr. Baron *Martin*.] What is your trade?—A labouring man.

3764. Mr. *Price*.] Did not Abel tell you himself that you must not vote, if you received any pay?—He did not.

3765. That you swear?—I swear it.

[The Witness withdrew.]

BARTHOLOMEW DURKIN, sworn; Examined by Mr. *Giffard*.

B. Durkin. 3766. ARE you a voter?—Yes.
 3767. Do you remember going to Abel's house sometime before the election?—Yes.
 3768. About how long?—A week.
 3769. Did you have any conversation with him as to how you were going to vote?—Yes.
 3770. What was it?—One agent asked me to go, or else he would send Sam to my house.
 3771. When you were there, had you some conversation with Abel; just answer what it was?—Yes, I told him if I went and voted for Mr. Ripley, I would be paid for it.
 3772. Did he reply?—I said I heard they were giving money to others.
 3773. What said he to that?—He said he would give me what I wanted if I would help him the last day or two.
 3774. When he said about helping the last day or two, did he say anything more about it?—No, he did not.

3775. Just tell me what words he used?—He used none; he said he would pay me if I worked the last day or two for him, and he brought me in and took my name down.

3776. Did he say anything about what he meant by helping him the last day or two?—No, he did not.

3777. Did he say anything about whether you understood what he meant, or anything of that sort?—No.

3778. What more happened?—I went upstairs, and they asked me if I would take a canvass book, and me and another man took a canvass book, both of us.

3779. What was his name?—John Loudman. They asked me if I would accompany him. We reckoned to work from the Friday following, the Friday before the election. We got no votes. He did not pay me then. Sam did not; we were upstairs on Sunday; we were drinking there;

there; we had ale and bread and cheese all the time we were there.

3780. Did you ever pay anything all the time you were there?—I have not paid, and have not seen nobody pay.

3781. Were other people eating and drinking there as well as you?—Yes, they were eating bread and cheese, and drinking as much beer as they chose to drink. It was three o'clock on Sunday; when the people were turned out they left us upstairs; they filled it with beer what we wanted to about five o'clock; the mistress said there was somebody coming; Sam said he thought if we would take one pitcher away, and leave the other, they would soon take the one away, if he was a policeman that came; and they kept one filled with beer, and they kept filling it till five o'clock.

3782. That was closing time?—Yes; on the Sunday they close from three to five.

3783. Mr. Baron *Martin*.] Did you get any money?—No, I got no money.

3784. Mr. *Giffard*.] How was that?—He kept saying he would pay me day after day; he said on Sunday he would pay me on the Monday following, and on the Monday he said he would pay me on Tuesday.

3785. But you did not get any at all?—No; then on Monday between 11 and 12 I was going down George-street, there was three or four men with me, and there was a man came and asked me—

Cross-examined by Mr. *Littler*.

3786. Did you make any application to Mr. Ripley's people after the election for money?—No, not after the election.

3787. Did you make any application to anybody except Sam Abel?—Yes; I went down to the Junction in the Leeds-road before the election.

3788. And they would not give you anything?—No; their agent was there; I did not know him.

3789. What is your agent's name?—They call him Chriss; I do not know his name.

3790. Did you go to the "Queen" and ask for money there?—Yes.

3791. Did they refuse to give you any?—No, they did not; they said I would be paid afterwards.

3792. Did you go afterwards?—No, I went down to the "Queen," and they said we had to go up to the "Old Bank;" I went up to the "Old Bank," and I saw a young man there, and they said he was Mr. Storey's son.

3793. And he refused to give you anything?—No, he said I was to go back to the "Queen" again, and they would see me righted.

3794. Did you go back to the "Queen"?—No.

3795. You gave it up as a bad job?—Yes.

3796. Then you went to Mr. Hargreaves when you could not get any money?—Yes.

3797. Where do you live?—In York-street.

3798. Have you always lived there?—I lived in York-street at the time of the election; I have lived there going on five months now.

3799. Where did you live before?—Eastbrook-lane.

3800. Was it at No. 24?—Yes, I believe it was.

3801. What name did you vote in?—Bartly Durkin, or Bartholomew Durkin.

3802. You had left Eastbrook-lane when you voted?—Yes.

3803. When you went to Abel's, did you tell him that you intended to vote for Mr. Ripley, anyhow?—Yes.

3804. You always intended to vote for Mr. Ripley?—No, I did not.

3805. What made you change?—Because the agent axed me to go.

3806. And you went and talked to Abel, and then you had this beer?—Yes.

3807. Were you not told before the election that if you had any pay of any kind you could not vote?—No.

3808. Did not Abel tell you so?—No, he did not.

3809. You are certain of that?—I am certain of that.

3810. Where was Abel when he promised you this money?—In his passage.

3811. What time of the day was it?—At night.

3812. Was anybody else there?—Not in the passage, there was not; there were, further on, but they could not hear what we said.

3813. Were you asked whether you were a voter when you went to the "Queen"?—I cannot say.

3814. Will you swear that you were not asked whether you were a voter when you went to the "Queen"?—I cannot say whether I was or not.

3815. Were you not asked whether you were a voter, and did not you say that you were; and did not they then say, "You can get nothing;" be careful?—I do not recollect it.

3816. Do you know Mr. Ingham?—I do not.

3817. Look at that gentleman (*pointing to Mr. Ingham*). Did not that gentleman at the "Queen" tell you when you said that you were a voter, and had polled, that you could not have any money; I do not recollect seeing him at all.

3818. Will you swear that he did not tell you that?—No, I will not swear; I do not recollect it.

3819. Did not you tell that gentleman that you were a voter?—I do not recollect it.

3820. Did you tell anyone at the "Queen" that you were a voter?—I always told them I was a voter.

3821. Did you tell him at the "Queen" that you were a voter?—I cannot say.

3822. Will you swear that you did not?—I will not swear anything.

3823. Did not they tell you that as you were a voter, and had voted, that you could not be paid?—No; I cannot say that they did.

3824. Will you say that they did not?—No; I will only say what I believe to be the truth.

3825. Will you say that they did not?—No; I will not say anything of the sort.

3826. Did you act as messenger for Miall and Forster also; I did on the day of the election.

3827. Did you tell them that you were going to vote for them?—Yes; I did vote for them.

3828. You told me that you voted for Ripley?—No, I did not.

3829. You acted as messenger for Miall and Forster that day, did you not?—Yes.

3830. You were paid for that, I suppose?—No, not a farthing.

3831. Have you ever asked for anything?—

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B. Durkin.

27 January
1869.

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B. Durkin.
27 January
1869.

I have axed was there any given, and they said there was not.

3832. Did not you get 5 s.?—I have not got a penny from them.

3833. Where were you a messenger?—Any-where; I were a canvasser and all.

3834. And notwithstanding that you were acting as messenger for Miall and Forster, and voted for Miall and Forster; you went afterwards and pretended you had been working for Ripley?—No, I did not.

3835. But you did go and ask for money at the "Queen"?—That was before the election.

3836. Did not you tell Mr. Ingham at the "Queen" that you had voted; be careful?—I will be careful and speak the truth; I did not ask Mr. Ripley's party after the election.

3837. Did you not go to the "Queen" and ask for money after the election?—No, I did not.

3838. That you will swear?—Yes; I will swear that I never asked them after the election, not for a farthing, and I voted for Forster and Miall.

3839 I thought you voted for Forster and Miall, because you could not get anything out of Ripley?—I promised them my vote six or seven weeks before; some money was going, and I thought I would go and see whether I could get any money.

3840. What day of the week was it that you were sent for?—It was on the Monday night before the election.

3841. To the "Queen," near St. George's Hall?—Yes, in the Wakefield Road.

3842. Whom did you see there?—I saw a good many people; I did not know them, only one, that was our agent.

3843. Who is your agent; what is his name? I do not know; they call him Chrissy.

3844. Is that his surname, or his christian name?—I do not know which.

3845. What do you mean by your agent?—He collects our rents.

3846. The landlord's rents?—Yes.

3847. In the place where you live now, York-street?—Yes.

3848. Just tell me the number?—62, York-street.

3849. What day did you go to the "Old Bank"?—The same night; there was not 10 minutes difference.

3850. Who was at the "Old Bank"?—There was a great many gentlemen; I did not know them.

3851. Did you go to Abel again after that?—On the Tuesday morning I did; I just saw him at his door, and he asked me to know what I was going to do.

3842. Did you tell him that you were going to vote for Forster and Miall?—I did.

3843. What did he say to that?—He told me I should not.

3844. He did not offer you any money?—He said nothing to me about any money the morning of the election.

3845. When did you first go to see Mr. Hargreaves?—It was last week; I seen him first at his own office.

3846. How many times had you seen him before then?—I do not remember ever seeing him in my life but once.

3857. When was that; since the election?—Yes.

3858. When was that?—Three weeks ago.

3859. What made you go to Mr. Hargreaves?—I was in the beershop, drinking, and I happened to see him.

3860. You happened to see him in a beershop?—Yes.

3861. Was he drinking?—I did not see him drink.

3862. What was he doing in the beershop?—I cannot say it was Mr. Hargreaves, but I think it was; I see him here.

3863. What was he doing in the beershop?—He were writing down; I gave my information as I am giving it in now; he was upstairs.

3864. How did you come to go upstairs to him?—I was axed to go up.

3865. Who axed you?—A man called John; I have seen him here as a witness.

3866. He took you up to see Mr. Hargreaves?—Yes.

3867. Did Mr. Hargreaves give you any money?—No.

3868. Has he not given you any?—No; he has given me money for support.

3869. What is the name of the beershop?—I do not know; the man's name is Dick Delaney.

3870. There were a good many people there that you have seen here to-day?—Yes, five or six.

3871. Did you have anything to drink there?—I had something to drink.

3872. Had you a good deal to drink there?—No; I had not so much.

3873. Did you pay for it yourself?—No; I did not pay for it.

3874. Who paid for it?—I see two or three paid for it, but I do not know who they was.

3875. They were not friends of yours at all?—No.

3876. How did they come to pay for your drink?—I do not know.

3877. Do you think that Mr. Hargreaves had anything to do with it?—I do not know; I cannot say.

3878. Did not they say that Mr. Hargreaves was standing treat for the lot?—I did not hear it.

3879. One or two of them had a little too much?—I did not see them; there was not so much drink going on that I have seen.

3880. There was drinking going on downstairs, and also in the room with Mr. Hargreaves?—Yes; but downstairs was the greater part; there were two rooms upstairs, and he was in one.

3881. Then the next room to him, where the drinking was going on, was where you went first?—Yes.

3882. There you had the beer?—Yes.

3883. When you had had your beer, you went and told Mr. Hargreaves?—Yes; I was called in; I had not above a glass when I was called in.

3884. Then you went out and had some more?—I had another glass or two, and then I went home.

Re-examined by Mr. Giffard.

3885. You told my learned friend that young Mr. Storey told you to go back to the "Queen;" how did he tell you to go back to the "Queen;" what had passed between you and him?—I told him that I were promised money, and I did not get it; and that I was told to go and see Mr. Storey, and that he would see me right.

3886. Mr. Storey was chairman of your committee?—I understood so; I do not know, and he told

told me he were his son, and he called me into another room. Another gentleman was there; I do not know who he was, and this here gentleman said I had better go back to the "Queen" again, and I should get paid there.

[The Witness withdrew.

Mr. Baron *Martin*.] How many more witnesses have you?

Mr. *Giffard*.] I have a great many more, my Lord.

Mr. Baron *Martin*.] Then we will take them all to-night.

Mr. *Giffard*.] I can only say that I have

50 more witnesses; it would be impossible to take them all to-night.

Mr. Baron *Martin*.] I will not press you in the least; but if the matter adjourns itself from day to day it will go on here till probably Friday, or Friday week; and I shall write and tell them at Warrington that I shall not be there at the time appointed; but I shall go on and finish this case, and perhaps it will be over within a fortnight from this time.

Mr. *Giffard*.] I will go through the 50 witnesses carefully, and select some from each ward; probably we shall not call them all.

[Adjourned to To-morrow, at Ten o'clock.

B. Durkin.

27 January
1869.

Thursday, 28th January 1869.

JOHN HALEY -	-	-	-	-	-	-	-	-	-
CHARLES HASTINGS	-	-	-	-	-	-	-	-	-
ANGUS HOLDEN -	-	-	-	-	-	-	-	-	-
TITUS SALT, Junior	-	-	-	-	-	-	-	-	-

AND

HENRY WILLIAM RIPLEY -	-	-	-	-	-	-	-	-	-
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Petitioners,
Respondent.

JOHN WALSH, sworn; Examined by Mr. Metcalfe.

J. Walsh.
—
28 January
1869.

3887. You live at No. 4, Eastbrook-lane?—
Yes.

3888. Are you a voter in the South Ward?—
Yes.

3889. And were you put upon the committee at Mr. Abel's of the "Equity Inn"?—No; I was at the committee, I was not on the committee.

3890. Did you go to the "Equity Inn"?—
Yes, I did.

3891. How long before the election?—About a week.

3892. Did anybody ask you to go?—Yes, they came and brought me out.

3893. Who were they who asked you to go?—A man called Bernard Mahony and John Ryan.

3894. Did you go and see Abel that day?—I went to hear Mr. Ripley's lecture at Broomfield.

3895. On the Saturday night before the election did you see Abel; did he call you into a room?—Yes.

3896. Where did you go with him?—In a room in a passage, something like here; he gave me 5s.

3897. Mr. Baron Martin.] Who gave you 5s.?—Abel; John Ryan told me to go down and get some money.

3898. Mr. Metcalfe.] Did you find Abel in that room?—Yes.

3899. Was anybody else there?—Yes, a man standing at the door, a porter.

3900. Did Abel give you 5s.?—Yes.

3901. Did he say what it was for?—No.

3902. Had you done any work?—No.

3903. It was the Saturday night before the election that you voted for Mr. Ripley?—No.

3904. For whom did you vote?—Mr. Forster and Mr. Miall.

3905. Was anything said to you about voting for Mr. Ripley before that?—No.

3906. Were you asked whom you were going to vote for?—

Mr. Price.] I object to that.

3907. Mr. Metcalfe.] Were you asked whom you were going to vote for?—No.

3908. On the Tuesday after the election, did you go to a place where Ingham was; did you receive any money there?—No.

3909. Did you go with Burke anywhere?—Yes, on the Friday.

3910. Where did you go with him?—The "Queen's Hotel."

3911. Did you say it was after the election?—After the election.

3912. Whom did you find at the "Queen's Hotel"?—There was Pat Ryan and some men that I knew.

3913. Did you get any money?—Yes, I got 10s.

3914. Mr. Baron Martin.]—What was that for?—I do not know; they called my name out, and gave me 10s.

3915. Mr. Metcalfe.] Did Burke get 10s. also?—They gave Burke a sovereign, and he gave me 10s. out of that.

3916. Who gave it; do you know Ingham?—I have heard say it was Ingham; I do not know him.

3917. Is here?—I cannot say; I do not know.

3918. Look at that gentleman (*pointing to a gentleman*)?—I cannot say; I do not know him.

3919. Were there several other people there besides the gentleman who paid you?—Yes.

3920. What was happening to Pat Ryan?—He was chairman over the committee at Abel's.

3921. He was there?—Yes.

Cross-examined by Mr. Price.

3922. Were you put down at all on a list as a canvasser?—I was not a canvasser at all.

3923. You had voted the other way?—Yes.

3924. They never said a word to you about a vote?—No.

3925. Have you been to Mr. Hargreaves'?—Yes.

[The Witness withdrew.]

JOHN KILFOYLE, sworn; Examined by Mr. Mellor.

3926. You live in George-court, Bradford?—Yes.

3927. I believe you are a voter for the South Ward?—Yes.

3928. Rather more than a fortnight before the election were you at Patrick Ryan's house?—Yes.

3929. Did Sam Abel come in, the landlord of the "Equity Inn"?—Yes.

3930. What did he say to you?—He did not speak to me in particular.

3931. Were there others there with you?—There was others in the room.

3932. What did he say when he came in?—He said he wished us to go round to his house.

3933. What for?—For us to vote for Mr. Ripley.

3934. Did he say anything more?—He spoke some words to the effect of encouraging Mr. Ripley.

3935. Did you go down to his house?—We did not go down that day, we came out and went down next time.

3936. When he came again, what did he say?—He said if we would come down we should be treated, or something to that effect.

3937. Did you go down to his house?—Yes, we went down next night.

3938. How many of you went down?—I went with one man, John Divot.

3939. Was James Burke there?—That night he was, and Richard Divot.

3940. About how many were there?—About five or six at first.

3941. How many nights did you go there before the election; did you go pretty well every day?—I went very often.

3942. Had you any refreshments then?—That night, when we went down, we had some bread and cheese and ale.

3943. Had you bread and cheese and ale on other occasions?—At other two times I had.

3944. Did you pay for any of it?—No.

3945. Who ordered the refreshments?—Mr. Abel ordered the first night, and any other time his wife or daughter.

3946. Did you go to the nomination?—Yes, I did.

3947. After the nomination, did you go back to Abel's?—I did.

3948. Did you have anything to drink there? I had some drink in our committee-room that night.

3949. Where did you get your breakfast on the polling day?—I got it at Sam Abel's.

3950. Did you pay for it?—No.

3951. Whom did you vote for?—I voted a plumper for Mr. Ripley.

3952. After you had voted, did you go back to Abel's?—Yes.

3953. Did you have anything to drink there?

—Not just for an hour two; before the night was over I had.

3954. Did you have much drink?—I had as much as I could mind to sup; I had some, at all events.

3955. Did you stay there all day?—I stayed there till towards 10 o'clock at night.

3956. Were you drinking all the time?—I was not drinking all the time, I was making myself useful.

3957. But you did have some drink too?—Yes, I had some.

3958. Did you pay for any of it?—No.

3959. After the election, did you get a note from anybody?—I got a note at Sam Abel's house after the election.

3960. What were you to do with the note?—I got a note as a reason why I should go and draw the wages; I kept it for a while, for two or three days.

3961. Who did you give it to?—I returned it back again to Mr. Abel.

3962. Did you get any money?—No.

3963. Whose name was upon the note?—John Gintey.

3964. Was anything said to you when the note was given to you?—Mrs. Abel said that I should draw two days' wages under the name of John Gintey; but a voter could not draw money, so I did not draw it at all.

Mr. Price.] Mrs. Abel is hardly an agent for Mr. Ripley.

Cross-examined by Mr. Price.

3965. You never got any money, did you?—I never got any money.

3966. What is the matter with your eye?—A fellow knocked his fist agin it.

3967. You say you made yourself useful; did you go out to get up voters after you had voted?—Not another; we had them all up before.

3968. Then you had been canvassing before?—They were all canvassing but me.

3969. Why did not you canvass?—I never took the shop.

3970. Therefore you would not take any money?—No.

3971. Do you mean to say that you had any breakfast that morning at Abel's house?—I just tasted it, but I could not eat.

3972. Was any breakfast provided for you?—There was some left for me; I ate a bit, and supped a glass of ale, and set out and I voted; I could have had more if I could eat it.

3973. What did you have?—I had a mouthful of cheese and a mouthful of bread.

[The Witness withdrew.

JOSEPH PETTY, sworn; Examined by Mr. Giffard.

3974. I BELIEVE you are an engine fitter?—Yes.

3975. Do you remember, on the nomination day, going into the "Horse and Jockey Inn"?—Yes.

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3976. What part of the house did you go into?—Into the kitchen I believe it was called.

3977. I believe upstairs there was one of Forster's and Miall's committee-rooms?—Yes, I believe there was.

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3978. Did

J. Kilfoyle.

28 January
1869.

J. Petty.

*J. Peilly.*28 January
1869.

3978. Did Mr. Frank Willie come there to you?—There was a Mr. Willie when I went in.

3979. Did he ask you anything about voting?—Yes; he asked me who I was going to vote for, and I told him I had not told anybody yet, and I was not going to.

3980. What did he say to that?—I do not know that he said anything particular just then; there was another sat between him and me, and he asked him to allow him to come in his place; he did so, and he came and sat beside me.

3981. Then what happened?—He asked me if I would vote for Mr. Ripley.

3982. What did you say?—I said that I should not promise him.

3983. What did he say then?—He wanted to know why I would not promise my vote for Mr. Ripley; and I said that I had made up my mind not to promise anyone till the day of the election, and I should not tell him, nor anyone else, who I was going to vote for.

3984. Did he ask you whether you kept a pig?—He asked me if I kept a pig, and I said no.

3985. What did he ask you then?—He asked me if I kept any poultry.

3986. What did you say?—I said that I did.

3987. What did you say you kept?—He asked me if I had any to part with, and I said yes, I am not particular, anything of that sort I would part with if I got money for it.

3988. What did he say to that?—He said what had I to sell; and I said I had a game cock to sell, if he wanted it.

3989. Did he ask you what you wanted for it?—I would not set any price upon it.

3990. What did he say?—He asked me to go out of doors into the yard with him, and I did go. He asked me, when I got into the yard, if I would take 5*l.* for the cock on conditions, and I said, "Let me know the conditions"; I asked him what the condition was, and he said that I should plump for Mr. Ripley; and I said, "I shall not take it."

3991. What happened next?—He wanted to settle a price, if I would take it.

3992. What did you say?—I would not settle the price for some time.

3993. Did you ultimately do so?—I said, would he give me 10*l.* for it on that condition, and he said it was a deal of money.

3994. What happened next?—He said that this election was going to cost his father 500*l.*, and he said it was giving a great deal of money for a vote; I said "That is nothing to me."

3995. What happened next?—I said it was nothing to me; if he could not afford to give it me, I could afford to stop as I was. I wanted to leave him, and he bothered me some time in the yard, and said, "I just know now what you want; you want 7*l.*," and he said, "Here is a 5*l.* note and two sovereigns, take this." He said, "I am not particular about the cock; you can buy a cock for a shilling; that will do for me as well as that."

3996. Was anything said about having it back?—Yes; he said, "That if he bought this cock, he could sell it back," and I said, "What will you want for it back again," and he said, "I will take one shilling, it will be cheap at that." I said, "Yes, it will be cheap enough for me."

3997. I believe you refused to take it?—Yes, I did.

3998. You did, in fact, vote for Forster and Miall?—Yes, I did vote for Mr. Forster and Mr. Miall.

Cross-examined by Mr. Price.

3999. How long had you been there that evening?—About five minutes, I dare say.

4000. You found Willie there?—Yes, when I went in.

4001. What is he?—I believe he is a wool-stapler, or something of that sort.

4002. You believed all this about it costing his father 500*l.*, did you; this wild nonsense?—I believe that he promised me.

4003. Did you believe that it would cost his father 500*l.*?—How could I disbelieve him?

4004. You believed it then?—How could I disbelieve him?

4005. Did you believe it even when he said so?—I believe that he said it.

[The Witness withdrew.]

PATRICK MURPHY, sworn; Examined by Mr. Metcalfe.

P. Murphy.

4006. Do you live at 85, Gracechurch-street?—Yes.

4007. Are you a voter?—Yes.

4008. On the nomination day, did you see Mr. Peter Bains?—He came to my house.

4009. What is Peter Bains?—He is a shop-keeper and ale-seller.

4010. What did he want at your house?—He came in on the day of the show of hands, and he axed me if I was going up, and I said I thought I was; he threw down half a sovereign out of his pocket, and he made a motion to give it to me, but he handed it to my wife. He said, "Take this, if I give it to him he will be drinking with it," and he returned it to my wife.

4011. Did he say why he gave it you?—I was to go up to the show of hands and vote for Mr. Ripley.

4012. Did he say anything about beer?—He gave me two barrels of beer on the Saturday

before that; me and another man rolled them out of his own cellar.

4013. What did he send them to you for?—He said it was to give a plumper to Mr. Ripley.

4014. What were you to do with the beer?—I sold it.

4015. Did he say whether he was going to send it?—Yes; he told me I should not be short of beer.

4016. Then he sent it in?—Yes.

4017. Did any further beer come in besides that?—Yes; the week after the election he gave me 16 gallons.

4018. When this beer came in, was your house open for Mr. Ripley's people?—It was open for Mr. Ripley's people, but none of them came in it; only till after the polling was over they came.

4019. He gave half a sovereign to your wife
on

on the nomination day; did he give you any money afterwards?—Yes.

4020. What was the next payment?—£. 3 10 s.

4021. Mr. Baron *Martin*.] How much did you get altogether?—A barrel of ale.

4022. Mr. *Metcalfe*.] That is three barrels of beer and 3*l.* 10*s.*; did you get any more afterwards?—There was no money after that.

4023. How much money did you get altogether?—The money I got altogether? I got 3*l.* 10*s.*, and a half-sovereign; I had got 8*s.* the week before the election.

4024. From whom?—It was from Mr. Binns, in his own house.

4025. After the election, did you get any more money?—Nothing; only the 3*l.* 10*s.*

4026. Did Tyas come to you at all?—Yes; and Mr. Brown came to take my house.

4027. Is Tyas a cabinet-maker?—For what I know.

4028. Was he chairman of the ward for Mr. Ripley?—Yes.

4029. And is Brown a bookseller?—Yes.

4030. What did they come for?—They came to take my house for a committee-room.

4031. When was that?—It would be about a fortnight or three weeks before the election.

4032. Was there any committee there?—Never.

4033. Were you paid for the use of the house?—Yes.

4034. How much were you paid?—Mr. Binns paid me 2*l.*; that was part of the 3*l.* 10*s.*

4035. You say that there was never any committee there?—No, nobody; no committee from the time they took the house till the day after the polling.

4036. Has it any license?—No, it has only a shop license; one room on a floor.

4037. Did you vote for Mr. Ripley, or whom did you vote for?—I voted for Mr. Forster and Mr. Miall.

Cross-examined by Mr. *Price*.

4038. Did you get your beer from Binns?—No, never.

4039. He never sold you any?—No, he could not sell me beer, as the license would not let him sell me beer.

4040. And he could not?—He did not; he gave me this beer to vote for Mr. Ripley.

4041. You told him you would vote for Mr. Ripley?—Yes.

PATRICK COLEMAN, sworn; Examined by Mr. *Giffard*.

4061. Do you live at the "Leys," in the Silsbridge-lane?—Yes.

4062. Were you at the "Prince of Wales" before the election?—Yes.

4063. When Mr. Ripley was there?—Yes.

4064. Who was in the chair?—Joseph Gibson.

4065. He is a butcher, is he not?—Yes.

4066. Was young Mr. Ripley there, as well as his father?—Yes.

4067. Did you afterwards go to the "Beckett's Arms," on another occasion, in Silsbridge-lane?—Yes.

4068. Was Mr. Ripley there?—I cannot say.

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4042. And you voted for Foster and Miall?—*P. Murphy.*
Yes.

4043. Who paid you the 3*l.* 10*s.*; Mr. Binns himself?—Yes. 28 January 1869.

4044. Did you give a receipt for it?—No, I did not; but he gave me one.

4045. Where is that receipt?—It is at home; when he paid me the 3*l.* 10*s.*, the other was an old debt. I paid back the 3*l.* 10*s.* for an old debt; due for four or five years. It was a debt for grocery since I had my first wife poorly.

4046. Did you go to Mr. Hargreaves' office to give an account of this payment?—I cannot tell.

4047. How many times have you been there?—Never, but twice.

4048. His receipt you say you have got; just have the goodness to send for it, and let me see it in the course of the day?—Yes, if it will do you any good, you can have a look at it.

4049. Did you go to Binns after the election; you and another man, to his house, and say that you were very sorry that you had told a lot of lies about him?—Never.

4050. Binns did not take you by the coat collar, and kick you out of the place?—No, he never took me by the coat collar and kicked me out of the place.

4051. Perhaps you had not a coat on?—I had a jacket on.

4052. Did you go there and say that you were sorry "We have told these lies about you"?—Never; I never laid my hand on the latch of his door.

4053. Did you go to the door?—Never, only as I walked past the door on the causeway; his house and mine are on one causeway.

4054. You never spoke to him?—Never; nor he to me.

4055. Do you know Mr. and Mrs. McTurke, who lived there?—No, I do not.

4056. Do you know Mrs. Metcalfe?—Yes, I do.

4057. Did you see her as you went by?—No, I did not.

4058. Mrs. Nudgley, do you know her?—Yes, I do.

Re-examined by Mr. *Giffard*.

4059. Do you see Mr. Binns here?—Yes.

4060. Is that the gentleman next to the policeman?—Yes.

[The Witness withdrew.]

4069. Did you see him, on any occasion, at the "Beckett's Arms"?—I cannot say that I did. *P. Coleman.*

4070. Who was chairman at the "Beckett's Arms"?—I cannot say.

4071. Did you get anything to drink at the "Beckett's Arms"?—Yes.

4072. Did you pay for it?—No.

4073. How many persons were there, when you were there, drinking?—It may happen a dozen downstairs.

4074. On the Saturday before the election, did you see Gibson?—Yes.

M

4075. What

P. Coleman. 4075. What did you say to him?—I axed him to put my name on the canvassing list.
 28 January 1869. 4076. What did Gibson say?—He said it would be all right.
 4077. Did he say anything more at that time?—No.
 4078. Did you go to the nomination?—Yes.
 4079. After the nomination, did you go to the “Bobbin Turners’ Arms”?—Yes.
 4080. Had you anything to drink there?—A few glasses of ale.
 4081. Did you pay for it?—No.
 4082. Did you see Michael Conran, Patrick Murray, and Michael Norton there?—Yes.
 4083. Are they voters?—Yes.
 4084. Were there other persons there?—Yes.
 4085. Drinking?—Yes.
 4086. Did you see anybody pay for anything?—No.
 4087. On the day of the polling, did you take Edward Quigley to Mr. Gibson at the “Washington Inn”?—Yes.
 4088. What did you say to Mr. Gibson?—I asked him to put his name on the canvassing list.
 4089. Quigley was a nephew of yours?—Yes, not a voter.
 4090. What did he say?—He said that he would make it all right.

Mr. Baron *Martin.*] What is the object of this evidence?

Mr. *Mellor.*] To show, my Lord, the treating that went on in the West Ward.

Mr. Baron *Martin.*] It seems to me to have no direct bearing upon the question: there has been no evidence hitherto of treating in the West Ward.

4091. Mr. *Mellor.*] Did you go to the “Bobbin Turners’ Arms” on the polling day?—Yes.

4092. Were many persons there?—Yes.

4093. And drinking was going on?—Yes.

Cross-examined by Mr. *Price.*

4094. Did you say that you saw Mr. Gibson on the nomination day?—I cannot say I did not say so on the nomination day.

4095. Have you never said so?—No, I have not.

4096. Have you made more than one statement about this matter?—I made first a statement, then I was overseen, and I went and corrected it.

4097. Were you overseen or overtaken, which?—I was overseen.

4098. You went and corrected it?—Yes, I went to correct one thing that I said.

4099. Were you at Dick Delaney’s beerhouse before you went to make the statement?—No, I was never in his beerhouse in my life.

[The Witness withdrew.]

WILLIAM POOL, sworn; Examined by Mr. *Giffard.*

W. Pool. 4100. ARE you a voter for the Bowling Ward?—Yes.
 4101. Were you a member of Mr. Ripley’s committee at the “Victoria Inn”?—Yes.
 4102. Did you get any money from anyone?—Yes, after the election.
 4103. Was that from Mr. Henry Wilkinson?—Yes.
 4104. Mr. Baron *Martin.*] How much did you get?—Six shillings.
 4105. Mr. *Giffard.*] What happened after that; did you return it to him again?—Yes.
 4106. How came that to pass?—I took my canvass book to him with another man, and he paid the other man 6 s.; he gave him his canvass book first, as this other man grumbled about his 6 s.; after that he picked it out that I was a voter and had votes.
 4107. He said that he found that you were a voter?—Yes.
 4108. Did he tell you to give him back the money?—He left word at the public-house.
 4109. What happened?—He sent to me at the public-house for me to give it back again.
 4110. Did he say what would happen then?—He said that I was in danger of imprisonment for taking it, if I did not return it. I had not

all of it; I had 5 s. 6 d.; I had spent 6 d., and he said, “You must give me the 5 s. 6 d., and I will give it to my son, he can give it you again.”

4111. Did he do so?—Yes, he did.

4112. Did he tell you why it was given back again to his son, and that the son was to give it to you; what was that for?—He said because he thought I had earned it.

Cross-examined by Mr. *Price.*

4113. Had you in fact canvassed?—Yes, I was a canvasser.

4114. How long were you employed?—Not six weeks.

4115. Who was the other man that went with you?—He was not the man that was with me when we got the money. I canvassed with him.

4116. Was he a canvasser?—Yes.

4117. And he accompanied you, you say?—Yes.

4118. Then this man said that he found out you were a voter, and you were to give the money back again?—Yes.

[The Witness withdrew.]

WILLIAM HANDY, sworn; Examined by Mr. *Metcalf.*

W. Handy. 4119. Do you live at 142, Vincent-street?—Yes.
 4120. On the morning of the polling were you waiting at the poll-booth?—Close against it.
 4121. Did Gallagher come to you?—Yes.
 4122. What is his Christian name?—Patrick.

4123. What did he say to you?—He asked me—

4124. Had you on that morning promised to vote for Forster and Miall?—Yes.

4125. Were you waiting at the pollingplace?—Yes.

4126. At

4126. At a quarter past eight he came to you, and what did he say?—He asked me if I had got my name down as a canvasser.

4127. What else did he say?—I told him I had not; he said, if you come down I can get your name down now.

4128. Did he say what was the object or where he was to put it down?—At the "Washington Hotel."

4129. Did he say what would be the effect of putting your name down?—He said I would get a day's wages if I were to vote for their side.

4130. Did he say how much it was to be?—I understood at that time that it would be 6 s.

4131. What did you say?—I said I would.

4132. Did he then take you to the "Washington Hotel"?—Yes, we both went in together.

4133. Was there a committee sitting there?—Yes.

4134. Were any people that you knew there in the room?—Yes, Joseph Gibson only, and another man at the door, keeping the door.

4135. Was he taking part in the election; what was he?—He came and took my name down.

4136. Do you see Mr. Joseph Gibson there?—Yes, this is him (*pointing him out*).

4137. What did he say?—He asked me if I was a voter, and I said I was; he said, "Will you vote for Mr. Ripley?" I said, "Yes;" he said, "Will you give Mr. Ripley a plumper?" and I said I would; he said, "If you do not I shall see it in the list." That is all he said to me. Then he put my name down on a bit of paper, not into a book, and put it into his pocket.

4138. What did you do then?—I went and voted for Mr. Ripley.

4139. A plumper?—Yes.

4140. On the Friday night after the election did you go to the "Black Bull Inn"?—Yes.

4141. Whom did you see there?—I did not see any person that I knew, only Mr. Gibson. I called him out and told him I wanted paying, and he said my name was not there, and he told me to go to his house in a quarter of an hour.

4142. Did you go to his house?—Yes.

4143. Did you see Gibson there?—Yes, Mr. Gibson and his wife sat at the fire.

4144. What took place there?—She gave me 5 s., and I said, "Is this all?" and he said, "Give him 5 s. more; I put his name down for two days."

4145. Did she give you the 5 s.?—Yes; she gave me 5 s. more.

4146. Then you got 10 s.?—Yes.

4147. Did you do any work at all?—Not a bit.

4148. That was on the morning of the voting?—Yes; about 10 o'clock of the morning of polling.

4149. Had you been in the town at all up to the previous Saturday?—Not up to Saturday evening.

Cross-examined by Mr. Price.

4150. When you went to Mr. Gibson's house, did not Gallagher go with you?—Yes.

4151. Did not Gallagher tell Mr. Gibson that you were a non-voter?—No.

4152. You swear that?—Yes, I swear it; he did not tell him nor tell her.

28.

4153. Did Gallagher say so?—No; he did not. *W. Handy.*

4154. To anybody?—I never heard him.

4155. Were you present?—I was present at that time. *28 January 1869.*

4156. Upon your oath, did not Gallagher tell Mrs. Gibson before she gave you the 5 s., that you were not a voter?—She did not; I did not hear him.

4157. Will you swear he did not?—Yes; I will swear that he did not; not in my hearing.

4158. Did Gallagher go in before you?—We both went in together.

4159. Were you together all the time?—Yes; not above five minutes.

4160. You heard everything that took place, and you swear that he never said so?—Not in my hearing.

4161. Did Gallagher put you down first on the list?—He did not put my name down at all.

4162. What are you?—A hawker.

4163. What do you hawk, besides your vote?—Pictures; I do not hawk my vote.

4164. What are you doing for a livelihood?—I am at the picture trade yet.

4165. What are you making?—Sometimes 10 s. a day, and sometimes more.

4166. How long is it since you made 10 s.?—It is not a fortnight since; 10 days since.

4167. Have you been to Mr. Hargreaves' office?—Yes.

4168. Very often?—No.

4169. How often?—It may be about three times; I went in yesterday to tell him that I was coming up if he wanted me.

4170. Have you had any money from him?—No.

4171. Have you sold any pictures to Mr. Hargreaves, or Mr. Arnold, or Mr. Mills?—No.

4172. None of them?—No.

4173. Do you swear that Mr. Gibson was present when you got this money from his wife?—Yes; as close as I am to this desk to the wife; he sat in a chair against the fire, and she was sitting close against him.

4174. Was his son present?—Yes.

4175. His son is here, and the wife is here; do you mean to say, on your oath, that Mr. Gibson was present when you got that money?—He was present when I got the money.

4176. Have you a brother?—Yes.

4177. Andrew; was he a very active supporter of Mr. Miall and Mr. Forster?—I suppose he was, but I do not know.

4178. Did you talk to him about this matter a good deal?—Never.

4179. Did he take you to Mr. Hargreaves?—No; he was along with me when I went.

4180. Did he tell you that you were to go?—No; when I saw a statement in the paper about it I went of my own accord.

4181. Have you told anybody that sooner than face this out, you would go out of Bradford and go to the north, to a man they called Paddy Helps?—Never anything of the kind.

[The Witness withdrew.]

Mr. Giffard stated that after the best consideration he had been able to give to the evidence in his brief, he thought it would be only multiplying the evidence by calling

28 January
1869.

calling witnesses of the same character, and therefore this was the case for the Petitioners.

Mr. Price was heard on behalf of Mr. Ripley.

HENRY WILLIAM RIPLEY, Esq., sworn; Examined by Mr. Littler.

H. W.
Ripley, Esq.

4182. You are one of the sitting Members for the borough of Bradford, and you are the respondent in this petition?—Yes.

4183. You were, I believe, a candidate for the borough of Bradford at a previous election before that which took place in the last year?—Yes; in 1867, I offered myself for a short time as a candidate for the seat which had become vacant in consequence of the death of Mr. Wickham.

4184. On that occasion I believe you retired from the contest?—Yes.

4185. And you issued a circular, which my learned friend Mr. Giffard has referred to, on your retirement?—Yes, I issued a circular stating that in consequence of the strong feeling which was entertained by my friends that I could not succeed unless I instituted an organised system of canvassing, I should retire, because I felt that canvassing was not a desirable course to be adopted, and especially a system of paid canvassing such as was suggested at that time.

4186. And you have seen nothing, I believe, to alter your opinion since that time?—No, certainly not.

4187. What was the next thing that happened, and which came in order?—About the end of the month of July it was announced that Mr. Thompson had resigned his seat as Member for the borough, and immediately, the following day, I believe, a number of gentlemen waited upon me to ask me whether I was disposed to offer myself again as a candidate at the coming election. The result of that interview was, that a meeting was held within a day or two between myself and some of my friends to consider the question, and at that meeting I stated distinctly that I had no intention, had Mr. Thompson continued to sit as Member, to offer myself again for the borough, and that my objection then was this. I felt that a course of action would have to be adopted which I considered to be exceedingly objectionable, and in the event of my offering myself as a candidate for the borough, and being brought up by themselves, I should certainly make one or two conditions at any rate in connection with the matter; the first of those conditions was, that I should not be asked to canvass any man in the borough, and secondly, that there should be no paid canvassers whatever. I believe that the gentlemen who formed themselves sat once into my committee, will corroborate this statement, and from that time to the close of the election, as far as I know, I believed no paid canvassing existed in the borough on my behalf. So far as I was concerned, I never, during all that time, asked any single man for his vote.

4188. After you had issued your address, what steps did you take with regard to the expenses to be incurred in the election?—Immediately after issuing my address, the question arose with my committee as to who should be the legal agent for conducting the election; but the selection made was not mine, but that of my committee. My committee selected Mr. David Little as my agent for conducting the election, and as it appeared to me and to them also, that there were four

months in prospect before the election could take place, I in conjunction with my committee, talked the matter carefully over with Mr. Little, and it ultimately ended in my appointing him. I said to him, "I shall make no conditions as to the amount of money you shall expend. I shall open for you a credit at bankers, and I shall rely upon you to conduct my election on my behalf legally, fairly, and honestly, spending the money which is necessary, but not spending unnecessarily nor unfairly one shilling in connection with my affairs or for this election. And so far as I am concerned, with the exception of 20*l.* which I gave to Mr. Little's clerk, before Mr. Little became my agent, I have never spent one shilling in the course of the election, except the money which has passed through Mr. Little's hands.

4189. I believe you have carried out that precaution so far that whenever you have hired a cab to take you to your own house, you have directed the cabman to apply to Mr. Little for payment of his fare?—I may say that for a period of four months I went, as a general rule, without any money in my pockets, and my practice was to give the cabman from time to time tickets with which he had to go to Mr. Little for the payment of the hire of the conveyances which I employed during the whole of the three or four months of the election.

4190. I believe that until the last fortnight you did not know what the election had cost you?—Not till within the last fortnight; that is to say, not until Mr. Little produced his accounts to me on the day on which he sent them in to the town clerk. I did not till then know what the election had cost.

4191. Have you, either directly or indirectly, in anyway sanctioned or countenanced the expenditure of one shilling for any improper or illegal purpose in connection with this election?—Far from it, so far as I am concerned; but I may say that a rumour reached me some three or four weeks before the election, that some paid canvassing was going on somewhere, but I could never hear where it was, and at three or four of the following public meetings I expressed myself very strongly on the subject, and I have no doubt that there are hundreds of parties who were present at those meetings who will bear me out that I said that if there was any man in the borough who expected to receive one shilling for canvassing, I hoped from that night he would cease to act on my behalf, in connection with me in any way whatever.

4192. I believe that the way in which you conducted your candidature was this: you went from ward to ward, and from public meeting to public meeting, and made yourself acquainted with the electors in that way, letting them see you and hear you?—Yes. The first step that was taken in connection with the election as to the public was, that school-rooms, as far as it was possible, were hired in the various wards in the borough, where I attended and met the electors, and afterwards, during the following two or three months, I went frequently, and ultimately

ultimately from night to night, to these school-rooms. And again, so far as they could be attended, I went to the same extent also to the large rooms that were hired as committee-rooms, and which, I believe, were held in a number of public-houses in the borough.

4193. I believe at last that the toil was so severe that, I believe, you addressed 17 or 18 different meetings in one night?—Yes, that happened this way: One of my most ardent supporters in Little Horton ward was my indefatigable secretary, Mr. Simpson; he said that he should like to introduce me to the whole of the committees in his ward in one night, and thence arose a rumour that I had really spoken at 17 or 18 meetings in one night, and we did, in point of fact, visit those 17 or 18 committee-rooms during one evening, commencing at one point, and travelling round from one to another, staying, perhaps, a quarter of an hour here, and 20 minutes there.

4194. With the exception of the occasions when you went to those public-houses to address the meetings there, did you ever present yourself at any public-house in Bradford during the election?—Never, except at the “Victoria Hotel,” where I half lived, as I may say, during the time.

4195. As far as the mere public-houses are concerned, did you ever visit one of them except to address the electors by appointment with your committees?—I never did, during the whole period of the election.

4196. During the time that you were going round through those public-houses, did you ever see any system of drinking going on in the committee-rooms?—In the first month of the election I visited the wards only at the school-rooms, after that I went to Scotland for two or three weeks, and when I came back the committee-rooms at the public-houses were visited, and from that time to the close of the election, I from time to time went, in consequence of appointments made by the committees, to those committee-rooms, which were sometimes in public-houses, and sometimes in school-rooms, but I never, at any one of those visits, saw any drinking, or any refreshments of any kind whatever, at any place that I went to. On two or three different occasions I remember observing on a table where the committee had their papers, that there were some two or three, and perhaps there might have been half a dozen, half glasses of beer, but no jugs, nor anything else; and never, with the exception of those two or three occasions, did I see any refreshments, or any drinking of any kind whatever, going on during the whole of the time. Nor was there during the time I was there any beer, wine, or spirits, or anything brought into those committee-rooms.

4197. I believe that so strong was your objection to it, that you took particular care to keep watch upon it?—I should certainly have objected instantly if I had seen a shadow of anything that appeared to me to be drinking, or anything approaching to it; in fact, in nine cases out of ten, the rooms were so full of people that there was only just room for me to stand. The table was occupied, and very frequently, and the room for standing at one end was just barely enough for me and three or four of my friends to get into the room.

4198. Do you remember a man of the name
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of Coyne coming to see you at the “Victoria Hotel?”—I remember a young man.

4199. Will you be good enough to tell me about that; you were at the “Victoria Hotel?”—Yes, I was.

4200. When he came up, do you remember who was present besides yourself; was Mr. Little there?—Mr. Little said to me that two Irishmen wished for an interview with me, and in the course of a few minutes he introduced a man, whose name I should not have remembered if he had not come into the court again now; it is Ryan, I think, but I am not quite positive.

4201. I believe that Coyne says it was so, positively?—Yes.

4202. What happened at that interview; just be good enough to state?—Coyne said that he had come on the part of his fellow-countrymen to ascertain my views, so far as he could, so as to be able to judge whether he could give me support.

4203. Was he introduced to you as a leading Irishman, having influence among his countrymen?—No, not at the moment; I think that Mr. Little, as the man came in, said, “I fancy that one or two of these men are Fenians.” That was Mr. Little’s statement as he came into me.

4204. What then took place between you?—The conversation which took place was somewhat to this effect, although I cannot profess to give you the exact words, but in substance it was somewhat as follows: that he did not care very much about the general questions that were the topics of the day as affecting Ireland, but the questions which concerned him were questions affecting his particular views, and those of a large number of his fellow-countrymen in Bradford, affecting Fenianism, and, in point of fact, as he said—

4205. Did he say whether he was a Fenian or not?—Not in words; but he said that he was in favour of a separate Parliament in Ireland, and in favour of a dissolution of the Union. Upon both these questions I told him he could not expect for a moment that I should coincide with his views, and therefore so far as they were concerned he must not expect that I could act or co-operate with him in anyway whatever; my advice to him was to drop his own particular views, and those which his fellow-countrymen held in Bradford, and wait for a few years to see whether England was not disposed to do justice to Ireland in a different way from what she had been; I said that I hoped when we met again we should meet with views more in accordance with each other. With this general statement he expressed himself so satisfied that he said that he should give me his support during the coming election.

4206. He stated that distinctly, did he?—Yes, unquestionably; I may have seen him afterwards, but I do not recollect it.

4207. However, on that occasion he distinctly stated that he would support you?—Yes.

4208. Did he say that he would vote for you?—I never asked him, and I may say that I never asked any man in the whole borough whether he would vote for me.

4209. Have you ever seen that curious production of Malone’s and Sherlock’s?—I never saw it before it was in court yesterday, or at all events the day before.

4210. It was never issued in any way with your sanction, was it?—No, not to my knowledge;

H. W.
Ripley, Esq.
28 January
1869.

H. W. Ripley, Esq. knowledge; I never saw it before it was produced in Court the day before yesterday.

28 January 1869. 4211. Then am I to understand that in no way, either in sentiment or otherwise, did it receive your sanction or approbation?—Yes; I have never read it yet.

4212. Did your eldest son go with you from time to time during the election, Mr. Edward Ripley?—Yes, occasionally he did, and occasionally he went alone, with some other members of the committee.

4213. But as a rule he was with you, was he not?—Yes, but I think he was as frequently with the other members of the committee.

Cross-examined by Mr. Giffard.

4214. Will you tell me this; you have mentioned that after the arrangement which was made that you should stand, you opened a credit at your bankers?—Yes.

4215. I suppose that that must have been in some name?—Yes, it was in Mr. Little's name, in my agent's name.

4216. Will you give me the date of it, if you please?—I really cannot give you that, but it was very early in August.

4217. I suppose you have seen since that time when it was?—No, I really have not.

4218. Was there any limit to the credit that was given?—No.

4219. So that Mr. Little was to be entitled to draw on your bankers for any amount that he might think proper?—Yes.

4220. Although you did not know till a day or two ago the full amount of the expenses, I suppose you can tell me this; to what extent did Mr. Little draw upon you upon that credit down to the present time?—I really cannot tell you at this moment, but what I said to my banker was this: "When the account is closed, transfer it to my private account in one item;" and Mr. Little will produce the accounts; I find that 7,216*l.* 4*s.* 9*d.* is the amount given in this pass book.

4221. The money actually drawn?—Yes, and paid, I presume; but you must add to that 20*l.* which I gave to Mr. Holt.

4222. I do not trouble you about that; you do not know yourself, I suppose, the persons to whom these different sums have been paid?—I never saw the pass book until this moment.

4223. Did you never inquire, because you know that to most persons' minds a sum of between 7,000*l.* and 8,000*l.* seems a large sum; did you never inquire to whom those sums had been paid?—No, I did not, but I thought it was a very large sum when I heard of the amount.

4224. Did you intentionally abstain from making any inquiry?—No, I did not.

4225. You are a man of business, and I suppose that usually you would ask after an account for a large sum like that?—Well, I either trust a man or I do not trust him; if it is a matter which I put into another man's hands, I leave him to conduct it and complete it; if not, I look after the matter myself, thoroughly and fairly; this, however, was a matter over which I could have no control, because it was in Mr. Little's hands to conduct the election, therefore, I trusted to him to carry out my urgent instructions, honestly, fairly, and rightly, saying that he should expend nothing upon the election that was not

proper, legal, and right; it was in his hands, and I could not alter the matter in any way whatever.

4226. I need hardly point out this, that you of course were familiar with the fact that a candidate at an election is the last person who is allowed to know of anything that has been done unlawfully; were you not aware of that?—You are very much mistaken if you think that from any point of view, of that kind, I abstained from inquiring; if there had been any suspicion of the kind, I would have watched the thing from day to day, so as to have known everything.

4227. You have had some experience of life, and former experience of an election, or an intended one, and do you not know that the familiar expedient, in the case of introducing corrupt practices, was to prevent a candidate from knowing anything about them?—No.

4228. Have you never heard of that before?—I do not know that I have.

4229. You, as I understand, gave instructions to Mr. Little to do everything that was lawful and proper, but you gave unlimited credit to your agent?—Yes, I gave instructions not only to Mr. Little, but 20 of my committee were present, who all of them heard me say so.

4230. Mr. Baron Martin.] You have stated that you *bonâ fide* intended the election to be conducted honestly and fairly?—Yes, unquestionably, my Lord, and I can produce 50 men to whom I said it when Mr. Little has been present.

4231. Mr. Giffard.] Who is Mr. Holt?—He is the gentleman who collects my rents, and Mr. Little has had him as his cashier in this election, I believe.

4232. Who is Mr. Mumford?—He is a solicitor.

Mr. Price.] He was one of the eight solicitors who were appointed by Mr. Little, at the eight different wards, a fortnight before the election, and he will be called.

4233. Mr. Giffard.] Will you be good enough to tell me now this: after the election was over you did not, as I understand, inquire for your account of details of the expenditure?—Yes, from time to time I asked how soon he would submit to me the entire expenditure.

4234. Were you aware that the accounts and the vouchers ought to have been rendered to the returning officer?—No, I was not aware of it; not of my own knowledge at all.

4235. Were you told so?—No, I do not know that I was.

4236. Was it a matter of discussion that you had not returned the vouchers, lest those who were petitioning against your seat should get information?—Certainly not, so far as I was concerned.

4237. You never heard that fact?—No, I never heard of that till yesterday, till you raised the question.

4238. Nor did you inquire about it?—No.

4239. I rather assume from your answers, that there was no other fund upon which Mr. Little, or any other person connected with the election, could draw, except this credit to which you have referred?—I thought that I had made that clear enough already, and that there had not been one shilling spent, so far as I was concerned, but that which had passed through Mr. Little's hands, and

he says that it has all gone through that account at the banker's.

4240. You do not know anything else?—No.

4241. Mr. Baron *Martin*.] You do not know of any foreign fund that was used for the purpose of the election?—No, my Lord, I do not know of any, and I do not believe that there was any.

4242. Mr. *Giffard*.] So far as your knowledge and belief extend, you believe that the sum which has been mentioned, is all that you are to be called upon to pay for this election?—I do; I hope so, at any rate. I mean prior to the declaration of the poll, at any rate; I both hope and believe so.

4243. Who is Mr. Ingham, the name that has been mentioned from time to time?—He was secretary in the South Ward.

4244. Has he no relations of business, or friendship, or intimacy with you?—Yes; he is a clerk in a concern in which I happen to be one of the directors.

Re-examined by Mr. *Price*.

4245. Mr. Little is a member of the firm, in Bradford, of Taylor, Jeffery, and Little. Yes.

4246. They have been your private solicitors for years, have they not?—They have been so for a great many years.

4247. They have had the conduct always of your business?—Yes, of the greater part of it.

4248. And they have your entire confidence?—Most certainly.

4249. Mr. Little was a member of the firm who attended to the election business?—Yes, *H. W. Ripley, Esq.*

4250. Was it with any desire to shut your eyes to anything that you thought— *28 January 1869.*

Mr. Baron *Martin*.] I suppose that this is in reference to the 43rd section of the Act, because I am of opinion, upon the evidence presented at the close of the Petitioner's case that there was no evidence upon that section at all to affect Mr. Ripley.

Mr. *Price*.] Very well, my Lord.

Mr. *Giffard*.] I thought it right, my Lord, to make the inquiry that I did; at the end of the case I will tell you what my view is upon the Act of Parliament.

Mr. Baron *Martin*.] No one can complain of anything you have done.

4251. Mr. *Price*.] Was there any idea in your mind, when you put the matter into Mr. Little's hands, that any money would be illegally spent?—My friends know me better than that, and that when I say a thing I mean it. I said in the presence of many of my friends, that so far as I was concerned, not a shilling should be spent illegally; I pressed that upon Mr. Little most earnestly at the commencement of the matter, and from time to time, I said, "Are you carrying out my instructions?" and he said, "I am, and I intend to do so to the end of the election."

[The Witness withdrew.

MR. DAVID LITTLE, sworn; Examined by Mr. *Waddy*.

4252. You are, I believe, a member of the firm of Taylor, Jeffery, and Little, in this town?—Yes.

4253. For some years before the last election, you had acted, I believe, as private solicitor for Mr. Ripley?—Yes, in conjunction with my partners.

4254. On the 5th of August last, were you retained to act as his legal agent for this election?—I was applied to to do so.

4255. From that time, were you exclusively employed in the business of the election until the 17th of November?—Yes I was, day by day.

4256. I believe you devoted yourself entirely to that business?—Yes, day by day and night by night.

4257. Was the first thing that you did, to form a general committee?—Yes, that was the first thing.

4258. I believe that that included a large number of persons, and afterwards a central committee, a smaller one, was formed?—I believe that the first committee consisted of something like 1,600, and before that was completed we elected an executive committee of something between 30 and 40 gentlemen; I think that half a dozen names were added to it afterwards, and that was called the central committee.

4259. Was the town, then, for the purposes of your election organization, divided, according to the wards which it contained, into eight wards?—It was.

4260. And a committee was appointed for each ward?—Yes; a committee was appointed for each ward, and a chairman was appointed for each of the eight wards.

4261. Did you issue printed instructions to each of the ward chairmen and send to them copies of?—I did, and they are in that box on the table.

4262. I believe that there is the eighth rule in those instructions, which is, that the chairmen of the respective wards were the only persons that had any authority to incur any expenses?—Yes.

4263. In fact there were eight wards and eight chairmen?—Yes.

Mr. *Giffard*.] Just see whether they are the same; we need not prove the same thing twice over.

The *Witness*.] They have not been produced.

4264. Mr. *Waddy*.] Was Mr. J. C. Wilson the chairman of the Bowling Ward?—Yes.

4265. Was Mr. G. B. Hamblin, chairman of the South Ward?—No, it was Mr. S. P. Anderton.

4266. Was Mr. Joseph Hick chairman of the North Ward?—Yes.

4267. In Manningham Ward was the chairman Mr. Thomas Ambler?—Yes.

4268. In the West Ward was Mr. Armitage the chairman?—Yes.

4269. Was Mr. Alderman Scholefield the chairman of Little Horton Ward?—Yes.

4270. And Mr. Robertson, chairman of Great Horton Ward?—Yes.

4271. That gives us seven?—Yes; and then there was Mr. Alderman Dawson, of the East Ward.

4272. Those were the chairmen?—Yes.

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4273. Now,

Mr.
D. Little.
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Mr.
D. Little.
—
28 January
1869.

4273. Now, first, what is the population of the borough?—I do not know; but I think that at the last census it was 120,000.

4274. What is the population, on the average, of the different wards; are they tolerably evenly divided?—No; Little Horton Ward is the largest.

4275. That contains one-fourth of the whole borough, does it not?—Yes, as far as the borough registrar is concerned.

4276-7. You mean the voters?—Yes.

4278. Are the others tolerably equal in population?—No; Little Horton is the largest, and then there is the East and the West, and Bowling, and Manningham, and North Ward, and Great Horton Ward are comparatively small.

4279. What is the size of the borough from end to end?—I cannot tell you.

4280. I mean, how many miles?—I have not the remotest idea.

4281. Mr. Price.] It is 10 or 11 miles, is it not?—Do you mean the circumference?

4282. Yes?—I should think it was more than that.

4283. Mr Waddy.] It is about four miles across, I believe?—Yes, I think it is quite that, if not more.

4284. During the time of the election, were you in the habit of attending the aggregate meetings of the different wards?—Yes.

4285. I believe they were represented by persons from each ward?—Yes.

4286. I believe that the chairman of your executive committee was Mr. Samuel Storey?—Yes.

4287. Did you and he visit the wards in succession?—Yes, we did, night by night.

4288. Do you remember whether you, in company with Mr. Ripley, ever visited the wards also?—Yes, we did; we began, after the executive committee was organised, and we took the round of the eight wards; we attended the aggregate meetings, and public meetings were called by placards in the eight different wards; after that, Mr. Ripley went to Scotland, and he was away from Bradford for a fortnight or three weeks, and during that time Mr. Samuel Storey and I went round and visited the different wards and the sub-divisions of wards night by night.

4289. Can you say whether, on visiting the different committee rooms, those instructions which you have alluded to were posted up in any of them?—That I cannot say; no, I think it was not so, because many of the meetings were not held in committee rooms at all; we had school-rooms, and places like those, where we could meet a larger number of persons; I have seen them in the rooms in different places, but there were many printed circulars that were sent out to the eight different chairmen.

4290. During the whole of the time of the election, did you pay, as far as you know, all the expenses of the election yourself?—Every shilling that was spent came through the check-book at the bank.

4291. Mr. Giffard.] That is not the question my learned friend asked you?—I do not know of one single shilling, with the exception of the 20*l.* which has been alluded to; not one single farthing was spent except in that way.

4292. It all passed through your hands?—Yes.

4293. Mr. Waddy.] It came, not only through your hands, but through that account?—Yes;

and you will find that the check book and the bank book agree; there is a discrepancy, I think, of only 1*s.* 8*d.*

4294. You do not believe that anybody paid, nor do you know of anybody paying for the election, one farthing that is not to be found in that book?—I never heard of one shilling being otherwise spent until I came here.

4295. Did Mr. Ripley, after the first eight meetings were held, leave Bradford for a time?—Yes.

4296. Before he did so, we have been told that an account was opened at the Bank?—No; that was after he came back. When he went away to Scotland first of all, after I had been asked to undertake the conduct of this election, he said that he would send me down a confidential land agent of his, that I might have him as my servant during the election; he said that he thought him a good man to employ as cashier.

4297. Do you mean a Mr. Holt?—Yes; and before Mr. Ripley went to Scotland he gave that clerk 20*l.* I have had no communication with Mr. Ripley about the expenses in any way; before he came back again, the clerk had spent that 20*l.*, and I gave him 20*l.* out of my pocket; he paid me back afterwards; and when Mr. Ripley came back from Scotland, he then said, "There will be some expenses, and I have arranged to open a credit for you with the Bradford Old Bank, and that is the account (*pointing to the same*).

4298. That land agent, I believe, was Mr. Holt, the gentleman who is here?—Yes.

4299. Did he, during the election, afterwards devote his time to the secretarial part of the election?—Yes, entirely so, up to the present time.

4300. Do you remember that about 10 days before the election applications were made from the different wards as to expenses, and for information?—Yes, about a fortnight before the election I had a great many applications made to me as to the expenses.

4301. Just be good enough to tell me all about it; what was the nature of those applications, and how they were dealt with?—I was applied to from the different wards as to what were legal and what were illegal expenses, and I gave them my opinion of what were illegal and what were legal expenses; and from a variety of suggestions that I had received from persons who were interesting themselves in the election, I became afraid that they were going to run into excess, so I suggested to Mr. Ripley and a few of his confidential friends that the thing was getting beyond my control, and that I should like to be allowed to employ a solicitor for each of the wards, and they consented that I should do so, and call in eight solicitors, and that I should direct the election wholly in connection with the secretary. I accordingly went to eight solicitors.

4302. To take it generally, eight solicitors were so appointed?—Yes.

4303. In Bowling Ward there was Mr. Mumford, was there not?—Yes.

4304. In South Ward, Mr. Harris?—Yes, but he only stayed for two or three days; then he wrote to say that he did not wish to conduct the election any longer, and I subsequently put Mr. Hutchinson in his place.

4305. In the East Ward there was Mr. Terry?—Yes.

4306. In

4306. In the North ward, Mr. Bury?—Yes.
 4307. In Manningham ward, Mr. Cross?—Yes.
 4308. In the West ward, Mr. Mossman?—Yes.
 4309. In Great Horton, Mr. Duckett, and in Little Horton, Mr. Watson?—Yes.
 4310. From the time of their appointment had those eight solicitors whom you have named the exclusive management in each ward, and the whole of the conduct of the election as to legal matters?—Entirely so, just as if each had been an independent constituency.
 4311. Were instructions given that each ward was to be managed as though it were an independent constituency?—Yes, I gave those directions to the parties myself.
 4312. With regard to the money; between the date of the appointment of those gentlemen and the close of the election, was money ever paid to them, or to any of them, by you?—No, not one shilling.
 4313. Then, if money was wanted for the expense of the ward, who applied to you for the money?—The chairman almost invariably, and some sent the secretary.
 4314. Under those circumstances, did you pay the chairman, and take vouchers for the amount?—I drew all the cheques, with one exception, in the name of my cashier, Mr. Holt, and he took the cheque to the bankers and got it cashed, and paid out the money under my directions. He generally applied to me if he thought it of any consequence.
 4315. After that Mr. Mumford paid the accounts connected with the Bowling ward?—Yes.
 4316. Is Mr. Ingham the same as Mr. Ingram?—It is Mr. Ingham; there is no Ingram.
 4317. I believe Mr. Ingham was a clerk, or who was he?—I ascertained after the election, for I never knew really who he was. I found that he was a clerk employed in a company in which Mr. Ripley is a partner, and he was the honorary secretary of the South ward. I had most of my communications directly with him.
 4318. Did he settle all the accounts in the South ward?—He did.
 4319. Were the accounts submitted to you?—Not all of them, but most of them were.
 4320. I believe that some of the accounts that were submitted to you from different parts of the borough you considered were exorbitant?—I did.
 4321. Did you refuse to pay those accounts?—Mr. Ingham's were the first accounts of the South ward that came under my notice. I told Mr. Ingham that he was to pay no accounts that had not my initials, and I altered the greater portion of them, and I put my initials upon such as were to be paid.
 4322. That is, with regard to the South ward, is it not?—Yes.
 4323. Now, then, as to the East ward, were the clerks and messengers in that ward paid by Mr. Terry, of Eastbrook House?—Yes, they were.
 4324. I believe that there have been refusals to pay their's also. Is that the letter that was sent to Mr. Terry (*handing the same to Witness*)?—The name of the ward I cannot say, and it is not addressed to anybody. I cannot say to whom I addressed it, but it is in my handwriting; a letter has been handed to me in my handwriting.
 4325. Mr. Giffard.] What did you say?—Shall I read you the letter?

4326. No; just be good enough to repeat your answer?—(*The Witness repeated it*).
 4327. Mr. Waddy.] Whenever there was any application made to you as to money, and you thought there was any doubt about it, did you take precautions as to that?—Yes, most certainly.
 4328. Did Mr. Bury pay all the accounts in the North-ward?—No, he paid the clerks and the messengers; but the tavern bills were paid partly by Mr. Benland Knight.
 4329. In the Manningham-ward, were the expenses paid by Mr. Brown?—Yes, most of them he paid; I think Mr. Brown paid them; I did not pay them.

Mr. Baron Martin. I cannot but feel that Mr. Price is desirous to give this evidence, but it really does not touch the real point of the case; however, I do not like to interfere, because no doubt Mr. Ripley and Mr. Little are desirous to give it, but it does not touch the case.

Mr. Price.] Your lordship has two duties to perform; the first is, to determine the issue between the petitioner and the respondent. Your lordship has also a very responsible function thrown upon you in certain events by the Act of Parliament.

Mr. Baron Martin.] Yes, and I have already intimated that this Act of Parliament under which I am sitting, creates two incompetencies; one is created by the 43rd Section, and the other is created by the 42nd, and it seemed to me that at the close of the case for the petitioner, there was no case against Mr. Ripley under the 43rd Section, but there is a case against him under the 42nd; that is, if he, not by himself, but by persons for whom he was responsible, was guilty of bribery; and secondly, if he was guilty of treating; those are the two matters which, as it seems to me there is evidence upon; the evidence now given by Mr. Little, has in reality, no bearing upon the point, although I do not interfere to prevent it.

4330. Mr. Waddy.] Did you, during the whole of the election, ever know anything at all about Mr. Sam Abel?—Yes; I saw him, I think, two days before the election.

4331. Was that the first time you had seen him?—Yes; that was the first time that I had ever seen him in my life that I know of.

4332. Under what circumstances was it that you did see him?—He merely came into the room; I never spoke to him.

4333. With regard to Ryan, did you know anything about him before the election?—Yes; I did.

4334. Just tell me when you first became aware that there was such a person?—Ryan was brought to the committee-room; the central committee-room; I think he came in with Kitchenman, and Kitchenman told me that he thought he could be of service to us.

4335. Mr. Baron Martin.] Are you now referring to Jeremiah Ryan?—Yes, I do not know of any other my lord; I then asked him in what way he proposed to serve us; and he told me that he hawked newspapers about, I think, or pamphlets, amongst his countrymen; he had some printed thing in his hand, and he said, "If I could afford to print this, I could not go and canvass

Mr.
D. Little.
28 January
1869.

Mr.
D. Little.
28 January
1869.

vass for you, but if I could afford to print this, I think it would be an introduction, and I think that I might go to my countrymen and sell a few of them, and so introduce the question of the election. If I were to go directly, I should be in danger." I then said, "If you will get 20 s. worth, or 30 s. worth of them printed, and bring to me the printer's note, I will pay it." I thought it was something about the election, although I never looked at it, and I directed my cashier to give him 30 s. in payment of the printers note; after that he came again in a few days, and he wanted some more, but I objected to that; but I was prevailed upon, and he brought another bill, and I gave him 25 s. He then came again, and I said, "I do not believe that you will do any good, and I shall not give you another penny. He went away, and I did not see him again; I had no further communication with him until after the election, that I know of, and I do not think that I ever spoke to him again.

4336. The amounts that you gave him, as I understand, were in three sets of money?—No; in two.

4337. Was the whole of that money that you so paid, expended in printing?—He brought me the bills, and they are amongst the vouchers now, at least they were given to Mr. Holt, my cashier.

4338. Did you, at any time, directly, or indirectly, give him any further money whatever?—Never one shilling.

4339. Do you know Kitcheman?—Yes; I do.

4340. Did you, at any time during the election, give him any money?—Yes.

4341. Under what circumstances was that?—Kitcheman came to me a few days after I had refused to have anything to do with Ryan, and said that I had made a great mistake, for he was sure that Ryan could be of great service to Mr. Ripley amongst his countrymen, and he thought that I ought to have put him on as a paid canvasser. I told him that Mr. Ripley objected to that, and that I should not do anything of the sort; he then said, "Well, you will lose the election;" I said, "I cannot help that," and he went away, and said that he would have nothing more to do with it. I said, "Do what you like, I will not have any paid canvassers."

4342. How long was this before the election?—Perhaps it was a month or five weeks before the election, from my recollection. Then Mr. Behrens came in during the day, and Kitcheman I understood to have been an old servant of his. I told Mr. Behrens that I was afraid I had offended Mr. Kitcheman, and I told him the circumstances. Mr. Behrens then said: "Is there anything illegal in having paid canvassers?"—"No, nothing illegal, but I do not believe that they will be of any use." He said: "Well, I will go and see Kitcheman, and hear what he has to say." I said: "You had better go and make peace up for me." He had been a very active man, as far as I knew. Then Mr. Behrens came the following day, and said, "I really think there is something in what Kitcheman says; and if it is not illegal to pay canvassers, I would employ one or two of these fellows, and see what good comes of it." Kitcheman came to me the same day, and he said, "Have you seen Mr. Behrens?"—"Yes." I can get Ryan and another man that he named; I do not know whether it was Coyne or not. "I can get them for 25 s. or 30 s. a week." I then said: "You can do no

good; but in regard to what you said as to Mr. Behrens, I have no objection to employ them." Then at the end of the week he brought in an account for, I think, four or five people that he had put on in the same way. Kitcheman brought in the account, although I had had nothing to do with those people. He brought in the account, and I paid him; I think it came to 7 l. or 10 l. A fortnight afterwards I went to Nottingham, and I was there over the Saturday and the Sunday, and it turned out that another account had been paid by my cashier, in my absence, to Kitcheman, representing some eight or nine of those men; but my attention was not drawn to that, and I did not hear a word about it till, probably, a week or so. After that he brought in another account, and I think there were some 10 or a dozen that he had employed, and the sum had increased. I then said: "I will pay it, but you must dismiss these men; I will not pay you another farthing." I gave him the money, and I never gave him anything else. The account that he sent in after the election I returned, and I said to him, "I told you that I would not pay you anything more for paid canvassers;" and I never paid him anything else.

4343. You say that you paid for those canvassers; was it for them and their services, at so much per day, utterly independent of their votes?—I did not know that they were voters, but we could not get, as it was represented, any Englishmen to go into either the East Ward and certain parts of the West Ward, and these canvassers, or these Irishmen, were to canvass that part of the borough.

Cross-examined by Mr. Giffard.

4344. You have spoken of a person whom you call your cashier; do you mean Mr. Holt?—Yes.

4345. That is to say, your cashier with reference to the purposes of the election?—Yes; I never saw him till he was sent down to me for the purposes of the election.

4346. What was the course of the business between you; did Mr. Holt come and ask you for what money he wanted, and did you give him it, or did he submit an account to you?—He generally brought the accounts to me.

4347. Have you got those accounts?—I have no doubt that they are amongst the accounts on the table; they are all on the table, but you have not asked for them.

4348. Do you know that it was your duty to return the vouchers?—To the returning officer?

4349. Yes?—Yes, according to my reading of the Act of Parliament.

4350. Why did you not do it?—Because my agent stated that he thought I should be exceedingly unwise to disclose those accounts until after the election. I do not mean to make any boast about it.

4351. Who is your agent?—Mr. Markham Spofforth; he was employed by me.

4352. In pursuance of that advice that the petitioner might not get the information which the Act of Parliament intended to be supplied? Yes; that was my only reason.

4353. When Mr. Holt presented you with an account of what moneys he wanted, did those accounts show for what the money was wanted? No; he would bring me accounts probably amounting to, say, 40 l. or 50 l. If it was 35 l.

or 40 £., he would ask me for a check for 50 £., and I gave it to him.

4354. I see that the cheques that were given to him were in round sums of 50 £., 50 £., 75 £., and so on?—Yes; that was the way in which I used to give them to him.

4355. Just give me one by way of example; take anyone you like; select by way of example the highest one in the week immediately before the election?—I think I had better hand you my cash book.

4356. No; I would rather have the account, if you will forgive me; I see here there is 100 £. on the 16th of November?—Yes; and you will see how that was disbursed, if you will look to the cash book.

4357. I want to see an account, one of them?—I do not suppose as to that, that there might have been an account on that day at all. There might have been applications made from the different wards, here is a whole host of them, and you may see them all (*pointing to the same*).

4358. Mr. Baron Martin.] Just take one out? Here is one of 7 s., I will give you the biggest in the batch.

4359. Mr. Giffard.] You stated that when Mr. Holt came to you with an account which approached nearly the sum, you gave him a cheque for a round sum?—Yes; he brought so many accounts to me on a piece of paper.

4360. On the 16th of November, I see that there is a sum of 100 £. given to him; that was the nomination day, I believe?—You will see constantly plenty of them paid to Mr. Alderman Schofield, the chairman of Little Horton Ward.

4361. I did not ask you that; I confine you to your own account?—He came and said, "Mr. Alderman Schofield wants so much money," and he came and said that, "Mr. So-and-so wanted so much money," and I said "How much will do?"

4362. I thought you said before that he gave you those accounts?—Yes; at times he did.

4363. Can you point out any difference in the items, by which you can tell me which of those cheques were paid on accounts rendered to you, and which were paid upon verbal requests?—I cannot do so unless you give me the cash book. I see that there is one item for 80 £. for stamps.

4364. Of course, I do not deny that there were some legitimate expenses?—Yes; there were no doubt of it. I said that I would give you a list that I have in this parcel, and this is the list (*producing the same*).

4365. Tell me, if you can, on what debts Mr. Holt brought you an account in return, for which you gave him a cheque, and on what dates he came to you with a verbal message, saying that Mr. So-and-so wanted some money, and did you send it?—I cannot answer that question.

4366. You have mentioned Mr. Alderman Schofield as having received this particular 100 £.—Yes; to the 21st of December, Mr. Holt had spent 50 £., and he applied to me, and I see that I gave him a cheque on that day.

4367. Was that in answer to a written account, or in answer to a verbal request?—No; I think that he would very likely bring a memorandum on a piece of paper like that.

4368. Did he do so?—I cannot tell you.

4369. Cannot you tell me whether he brought a written account, or a verbal request?—No; I cannot, the thing is impossible, it was not in existence, this part of it.

4370. Where did you keep the account?—I mean that the latter part of it, on that day, was not in existence; when he brought me this, this book was the book that he kept from the beginning.

4371. Mr. Holt kept that book, did he?—Yes, and he began with that book.

4372. Can you tell me now, with regard to any of the books or accounts before you, whether you are now unable to say when Mr. Holt came with a written account, which he wanted payment for, or when he came with a verbal message, requiring a lump sum of money?—I am quite unable to say.

4373. You cannot tell me that?—No, I cannot.

4374. Then I must ask you for the account-book again, as that will give you no information (*the book was handed back to the Learned Counsel*). I see that on the 3rd of December you gave Mr. Holt a cheque for 1,200 £.?—Yes.

4375. Did he give you any account for that?—Yes; at the time, certainly.

4376. Where is that?—I do not know. He would come with applications from the different wards, and say, "I want so much money, or so many bills."

4377. What did he actually do?—I cannot say, it is impossible for me to tell you; just give me the cash-book, and I will tell you what he did do.

4378. I do not want to know what he did, I will ask that of Mr. Holt, but I ask you what you did when he ask for such a sum as 1,200 £.; I want to know whether he gave you any written account?—He would bring me a handful of bills.

4379. Forgive me, you are an attorney, and I ask you whether he did on that occasion bring you a written account or not?—I have not the slightest doubt that he did.

4380. Where is that written account?—I do not know.

4381. When did you last see it?—I never saw it after that day; he would have a handful of bills.

4382. What became of that account?—I cannot answer that, I do not know.

4383. Where did you last see it?—I would see it in the private room in my office, where Mr. Holt had a seat.

4384. In whose hand did you last see it?—In Mr. Holt's hand.

4385. Did he take it away?—No, not out of his own room, he would take it out of my room into his own room.

4386. As I understand, you gave him a cheque for 1,200 £. on a written account. What became of that written account upon which you gave him a cheque for 1,200 £.?—Mr. Holt would take it away out of my own room into his own room.

4387. He did do that, did he?—Yes.

4388. Do you swear that he did?—Yes, I swear that he did.

4389. Have you asked for that back again?—I have never asked for it back again.

4390. You will swear that there was an account?—I will.

4391. Did you read it?—Yes.

4392. And you knew at the time what was in it?—I did.

4393. Just hand me that book again. I am not asking you about the contents of the book (*the book was handed back to the Learned Counsel*).

Mr.
D. Little.

28 January
1869.

Mr.
D. Little.
—
28 January
1869.

Was that one of the vouchers which, in pursuance of the advice of your agent, you kept back?—No; that account would simply be a list of the vouchers that I kept back by the advice of my agent.

4394. Is that 1,200*l.* part of the sum that you referred to, the 7,000 *l.* and odd which Mr. Ripley has paid?—Yes.

4395. Under which head shall I find it?—A variety of heads.

4396. Then you must know; did you make out that account for Mr. Ripley for the returning officer?—My cashier made it out.

4397. Who is that?—Mr. Holt.

4398. What was the object of submitting a written account to you?—He could not get a cheque unless he submitted a written account to me.

4399. Then you exercised a discretion as to whether you would give him a cheque for the amount in the account or not?—Yes.

4400. Did you ever refuse to give it to him?—I have given him a less sum than was applied for.

4401. Have you ever refused to give him the amount, that appeared by his account to be due?—Never.

4402. You never repudiated any accounts that he presented to you?—No; I might have altered them, I might say, “I will not pay that, take it out,” and I gave him a less sum.

4403. You said that to your cashier?—Yes; my cashier brought me bills that had been sent in, he would come with a handfull of amounts written down on paper; then I looked at the bills, and with regard to such of them as I would not pay, I would withdraw them out, and give him a cheque for the remainder.

4404. Can you tell me which of these accounts you did refuse before the election, or that you altered?—Yes, “Armstrong’s Hotel,” and that is the only one that I recollect at this moment.

4405. Just show me that, if you please; was there a committee of Mr. Ripley’s sitting at the “Armstrong Hotel?”—There was for a few days.

4406. Who was the chairman there?—Mr. Scofield.

4407. Was he the gentleman who wanted 100*l.*?—Yes.

4408. Who was the secretary there?—Mr. Simpson.

4409. How came you to refuse that amount?—Because they told me that it was an exorbitant sum, and it ought not to be paid.

4410. That was after the election, I suppose?—No, it was before.

4411. You have given me no date of it at all?—It was two months before, it was the first night that they opened Little Horton ward, and there was some misunderstanding, and they left the house; the account was sent in, and they said that I was not to pay it, and I did not pay it.

4412. You have said, that you personally knew Ryan?—Yes.

4413. When did you first become acquainted with him?—If you will give me that book, I dare say I can tell you.

4414. Do you mean that Ryan’s name will appear there?—There will be 25*s.* and 30*s.*, that were paid to him.

4415. Just look at that bill, it is one of the vouchers that you have been handing across the table, and do you see “1,000 Irish songs,” is that part of it?—No.

4416. Keep it in your hand for a moment; can

you tell me who ordered those, or is that one of the accounts that you paid?—Yes.

4417. Who ordered them?—I do not know.

4418. Who can tell me that?—I should think the printer.

4419. So should I, but his name does not appear?—Yes, it does.

4420. Do you mean to say, that nobody but the printer can tell me for what you paid?—I have no doubt that somebody else can tell.

4421. Who can tell me?—Mr. Holt can, perhaps.

4422. Did you go to the committee room, at St. George’s Hall, in the middle of September?—I think we went there in August, if I recollect rightly.

4423. That might be, and you might have gone in September also?—We had them, I believe, up to some time in October.

4424. Do you remember the fact of the publication of some Irish national songs?—I do not remember anything about it; I never saw them that I recollect.

4425. Nor heard of them?—Not that I am aware of.

4426. The 1200 *l.* that I was asking you about, does not appear in that book at all?—What was the date of it.

4427. The 3rd December; it is given under the head of December the 1st, I see. I suppose that that is some mode of keeping the book, which prevented it from appearing under the 3rd as the check book does; that reminds me to ask you when this book was written?—From day to day.

4428. Then there certainly must be some mistake?—Mr. Holt will answer that question, I did not write it.

4429. A cheque could not have been entered, at least I suppose not, on the 1st of December for 1,200 *l.*, which was not in existence till the 2nd of December?—That I cannot answer.

4430. You know nothing about it?—You will find the same cheque on the same date, in the banker’s pass book.

4431. On the 3rd it would be entered, and it might have been cashed at the bank the day after, but I do not see how it could have been entered the day before it was drawn?—I do not know.

4432. Will you have the goodness to look at that book, and tell me do you find entries of repayments or payments to Mr. Kitcheman, to the extent of between 100 *l.* and 200 *l.*—146 *l.* 18*s.* my learned friend tells me it is?—What is the date?

4433. The last payment is the 14th of November, 50 *l.* It begins with the 5th of October 12*s.* 6*d.*, 12*s.* 6*d.*, 9*l.* 15*s.* 6*d.*, 6*l.* 5*s.* 6*d.*, 3*l.* 15*s.* 9*d.*, and 9*l.* 12*s.*—Mr. Kitcheman got on November the 14th, 17 *l.* 10*s.*, 20 *l.* 17*s.* 5*d.*, and 18 *l.* 15*s.*

4434. On the 17th of November there are three entries of 9*l.* 15*s.*, 12 *l.* 5*s.*, and 11 *l.*—Yes.

4435. On the 14th of November there is entered, “Paid E. Kitcheman, 50 *l.* on account;” where is that account?—There is no 50*l.* here on account to Mr. Kitcheman on that date.

4436. I am told there is on November the 14th?—No, there were three sums paid to him.

Mr. Baron Martin. I do not want to interfere in the cross-examination, but it has no bearing upon the matter before the Court.

4437. Mr.

4437. Mr. Giffard.] After what his Lordship has said I will not pursue this further, but I will just call your attention to this, that you are in error?—I merely saw him in the committee-room. I saw 150 people besides him.

4438. I see you are in error there; on the 14th of November there is an entry of 50 *l.* I think to Mr. Kitcheman on account; do you find that written there?—I do.

4439. Where is that account?—I know that that account does exist, for I saw it to-day.

Mr. Price. It is in the refused accounts.

4440. Mr. Giffard.] Has Mr. Kitcheman's account been refused?—Yes; Mr. Kitcheman's account has been refused—it is 80 *l.* and something—he was paid 50 *l.*; that would be in the East Ward; the balance of it is disallowed; there is the account.

4441. Have you taken out the gross amount of the rejected accounts?—Yes, I have.

4442. What do they come to?—About 1,100 *l.* I think.

4443. Are those disputed accounts entered as part of the 7,000 *l.* odd?—They are not.

4444. Mr. Baron Martin.] They are independent of the 7,000 *l.*?—Yes, they are independent of the 7,000 *l.*

4445. Mr. Giffard.] Those are entirely disputed as I understand?—Altogether.

4446. Are there accounts upon which you have tendered a certain sum?—Yes.

4447. What do those amount to?—The accounts upon which tenders were made and accepted are in here. Those that were not are also in here, and the sum of 270 *l.* I paid to this suspense account at the bank.

4448. I ask you to give me the amount of those accounts upon which you have tendered the sum of 225 *l.*?—They are about 300 *l.*

4449. Those also do not appear in the accounts?—Only the sums that were tendered.

4450. As I understand the amount which appears in the account which you sent to the returning officer of what you have paid, where the parties have accepted in payment less than was actually demanded, is the sum that you have actually paid, and not the sum originally demanded?—Precisely so.

4451. Can you tell me what the sum originally demanded was?—I told you 1,100 *l.*

4452. I am not now speaking of the rejected accounts, but of those for which you had accepted the payment of a less sum in full satisfaction and discharge?—They are included in the accounts given to the returning officer; it was the best payment I could make, and I included them; it was the sum I paid to the suspense account.

4453. What was the sum paid to the suspense account?—£. 270; it is included in the 7,000 *l.*

4454. Those gross amounts which you have rendered to the returning officer are obtained from some detail?—Yes.

4455. Where is that detail?—It is here (*handing some vouchers to the learned counsel*).

4456. Is your own charge against Mr. Ripley included in this account at all?—I have no charge against Mr. Ripley.

4457. As I understand, you are not going to make him any charge for professional services?—Not any charge whatever.

4458. Under any circumstances, or at any time?—Under any circumstances, or without any mental reservation whatever.

4459. Do not you expect to be paid anything

for your services as legal agent?—Not one farthing.

4460. Mr. Baron Martin.] They were gratuitous?—Yes.

4461. As a friend to the cause?—No, not to the cause, but to Mr. Ripley personally. I am not of Mr. Ripley's political creed; it was not to the cause, but to Mr. Ripley as a friend and a very good client.

4462. Mr. Giffard.] Does that apply to the other attorneys whom you appointed?—No; their accounts are all included in the account which I rendered to the returning officer.

4463. Mr. Baron Martin.] As I understand you, this 7,000 *l.* is exclusive of any charge for your services; you have made no professional charge?—Yes; that is so.

4464. What is your regular professional charge?—I was employed for about four months, perhaps not quite that; about three months say, and, if I had made a professional charge, I should have expected to have been paid something like five guineas a-day, because I was at it from nine in the morning till 12 at night.

4465. That would be about 500 guineas?—Something like that.

4466. Mr. Giffard.] Those accounts, as you have very handsomely given up your professional charge, do not include what would be charged for professional services for yourself?—They do not; and I should wish to state that, in 1859, we had a contested election on behalf of Mr. Harris, another good client, and we did not make one single farthing of charge, and never got sixpence.

4467. I am not going to dispute what you say?—I am not going to do so for you.

Re-examined by Mr. Price.

4468. With regard to sending in the accounts, because we know it is made an offence under the statute, and therefore I wish you to clear it up, did you really take Mr. Spofforth's advice as to what course you should pursue?—I did.

4469. I know my learned friend thinks highly of Mr. Spofforth; but, however, you took advice, because you read the statute and wished to be quite clear about the matter?—I did.

4470. Mr. Spofforth advised you whilst there was a petition pending?—Yes.

4471. He had never known a case, whilst a petition was pending, of returning vouchers?—He did say so.

4472. As to Abel, my Lord said something about him; I think all you say with regard to Abel is that you saw him two days before the election?—Yes, the first time I ever saw him in my life; he came into the committee-room.

Mr. Baron Martin.] That arose from an observation that it seemed to me that, as at present advised, the agency of Abel, Jeremiah Ryan, and Mr. Kitcheman had been established.

Mr. Price.] I am prepared to call all those solicitors who attended the different wards; but I do not understand my learned friend to attack them.

Mr. Baron Martin.] I expect that their evidence will be just the same as Mr. Little's. I am satisfied that Mr. Terry is a great deal too experienced a man, and a man who understands his business a great deal

Mr.
D. Little.
28 January
1869.

Mr.
D. Little.
—
28 January
1869.

deal better than knowingly to do an illegal thing, which must of necessity defeat his client's object; and I believe that Mr. Little would not knowingly do the same thing either. It is utterly absurd to suppose that they would knowingly and wilfully do a thing that was illegal.

Mr. Price.] I will call Mr. Holt, if my learned friend wishes it.

Mr. Giffard.] I say, if Mr. Holt is not called, the probability is that I shall make some observations to your Lordship; but I must let my learned friend conduct his case in his own way.

Mr. JOSEPH HOLT, sworn; Examined by Mr. Price.

Mr. J. Holt.
—

4473. We understand you were employed by Mr. Little during the last election, to act as cashier?—I was lent to Mr. Little by Mr. Ripley.

4474. What were your duties?—My duties were to receive the accounts, check them and pay them after Mr. Little had examined them, and to do anything else in the committee-room which I was required for.

4475. What was your course of business when you went to Mr. Little for cheques?—When I went to Mr. Little for cheques I presented to him the accounts which required payment, and asked for a cheque for about the amount, sometimes more, sometimes less; it depended upon the balance that I might have in hand at the time.

4476. Therefore the cheques did not always exactly correspond with the exact accounts that you took him, because you might have a balance?—Never, except in one case.

4477. Did you, in every case, take to him an account made out by yourself, an abstract of what you received in the shape of bills?—No, only once or twice; I generally took the whole of the accounts in my hand; I took the bills themselves, and Mr. Little would put his initials "E. L." upon them as correct and sanctioning their payment.

Cross-examined by Mr. Giffard.

4478. Where is that account for 1,200 l. that you received on the 2nd of December?—The cheque that I received for 1,200 l. I have not the account of; it was a number of accounts which required paying; the printer's account and so on.

4479. Did you or did you not, bring an account of the items of which that 1,200 l. consisted to Mr. Little; did you show it to Mr. Little, and did you then take it away again?—I believe I showed the figures on paper.

4480. Figures on paper is very like an account; where is it?—I have not it.

4481. What has become of it?—I do not know; it was merely a memorandum.

4482. What did you do with it?—I do not know that I did anything with it; I do not recollect.

4483. Did you take it away?—No.

4484. Do you mean to swear that you did not take it away?—(*The Witness hesitated.*)

4485. What did you do with that account?—I do not know what I did with that account.

4486. Mr. Little has sworn that you took it away: have you heard him say so?—Yes, I heard him; I saw it last on the day when I presented the accounts to him.

4487. Have you never seen it since?—I believe not.

4488. Have you not the least notion what became of it?—I have not.

4489. How did you get this account?—It was merely a summary of accounts which I received from different people for amounts owing to them by Mr. Little.

4490. Where did you get the bills that you say you brought in?—The accounts were delivered sometimes to Mr. Little, and sometimes to myself.

4491. Mr. Little did not want you to bring to him accounts which had been delivered to himself; I want to know where you got the accounts which you brought to Mr. Little?—They were brought to me.

4492. By whom?—By parties who required payment of them.

4493. Where were you to be found in order that the parties might get payment?—At the central committee-room, and at Mr. Little's office.

4494. Then those accounts were accounts which you received while you were sitting at the central committee-room, and at Mr. Little's office?—Yes.

4495. Did you pay any moneys beforehand so as to put a person in funds, or only amounts actually incurred?—I paid to Mr. Scholefield of Little Horton ward money on account.

4496. Did you pay people or give people money to put them in pocket to pay current expenses before they had actually incurred them?—I gave them money on account of those expenses.

4497. For expenses they were to incur?—That they were to incur or had incurred.

4498. Did you take any receipts from them?—I did.

4499. Among other people, did you give Mr. Kitchenman any money?—Never, except the receipts which I have in these accounts.

4500. That does not give me any answer; did you give him any money in that way before he actually expended it?—Once.

4501. What money was that?—£. 50.

4502. When was that?—It was in October; the amount which you have mentioned was some time ago.

4503. Just look; I think you will find that that is the 14th of November; you kept the book; just look at the book yourself (*handing the cash book to the Witness*); what paper was it that Mr. Little gave you just now?—Mr. Little did not give me a paper.

4504. I beg your pardon, somebody said he did?—It was paid on the 14th of November; it was my mistake.

4505. What was it for?—On account of committee-room expenses, to pay the bills as attached to the account.

4506. You told me that you did give Mr. Kitchenman money in advance on that occasion?—Yes, I did.

4507. What was it for?—It was for committee-room expenses which are shown in that bill.

4508. An account of expenses which were to be

be incurred after the receipt of the 50 *l.*?—Which had been incurred.

4509. Now take care; do you mean to swear that?—Mr. Kitcheman told me so; and he said he had not had time to make the account out, but he would bring it down.

4510. Then that account would show this?—That account would show this.

4511. Do you mean that exactly amounted to 50 *l.*?—No, I do not.

4512. What did it amount to?—It amounted to 80 *l.* and some odd pounds.

4513. What did you mean by telling me just now, that you did on that occasion give Mr. Kitcheman money in advance, and not expenses already incurred, when you now say that his account amounted to 80 *l.* and odd?—I must have made a mistake in that matter; the 50 *l.* was on account of that account which he had not rendered.

4514. How came you to make that mistake; you understood what I asked, did you not?—I wrongly expressed myself.

4515. Was that account of 80 *l.* rendered at that time?—No.

4516. He simply came and asked you for money, and you gave him money?—Yes; not without Mr. Little's permission.

4517. I am not asking about Mr. Little's permission at this moment; but he did not give you the account, but he asked for money and you gave him money?—Yes.

4518. When first did you see the account for 80 *l.*?—I do not recollect.

4519. About when?—I do not recollect at all.

4520. Not the least notion?—No.

4521. I see a large number of sums paid to you, and I find on the 16th November 100 *l.*; that cheque is to yourself personally; tell me what did you do with the money?—I could not tell you exactly what I did with the money.

4522. Your book does not show it either?—I debit myself with all the cheques I receive, and I give myself credit for all the payments.

4523. Show me how you have debited and credited yourself on the 16th of November, the nomination day?—I cannot show you from the book.

4524. Just show me the book; you see here on the 16th and the 17th, the nomination day, and the polling day, there is 215 *l.*, have you any book which will show how you spent that money?—No, only the cash book.

4525. But this does not show it at all?—No; no book will show how the amount in money is expended upon each separate cheque.

4526. That is to say, on one side you enter the cheque, and on the other side you enter the gross sums?—Yes, the gross sum paid.

4527. So that there is no book by which I can ascertain how that money has been distributed?—No.

4528. Is that the only book you ever kept?—Yes, that is the only book I ever kept.

4529. Did it occur to you that if there was an inquiry about the sums expended, it would be quite impossible to disentangle one payment from the other?—It did not; I asked Mr. Little to tell me how to keep the accounts, and he said that the cash book would be quite sufficient.

4530. Did you pay any money to a man named Gibson, a butcher?—Yes, I did.

4531. What did you pay to him?—Either 25 *l.* or 30 *l.*

28.

4532. What for?—For various expenses, of which there is an account rendered.

4533. Where is the account?—If I had the sundry accounts I might see. This gives the amount (*handing a set of vouchers to the learned Counsel*).

4534. Mr. Baron *Martin*.] Mr. Kitcheman's accounts are pinned all together; are Gibson's in the same fashion?—Yes.

4535. Mr. *Giffard*.] If I am right, there is not any account of Gibson's at all. There is a statement of monies paid to Gibson, and very large sums, but I do not see any account of Gibson's there. Just look at it yourself (*handing the vouchers back to the Witness*)?—I do not see it.

4536. Mr. Baron *Martin*.] Have you any similar bundle of accounts to those of Mr. Kitcheman which are pinned together?—No.

4537. Mr. *Giffard*.] What became of Gibson's accounts?—Mr. Little instructed Mr. Mossman, junior, who was the solicitor of the West Ward, to make up his account for the receipt of money which he got from me, and here it is.

4538. You see that what I am at present asking is not the accounts that Mr. Mossman made up afterwards, but the accounts upon which you paid money to Gibson?—You mean the receipts.

4539. No, I mean the accounts; what was it for?—The accounts I never got; here are various sums and accounts.

4540. Do I understand you rightly to say that the accounts you never got?—Nothing but those.

4541. But these are made up afterwards?—Yes.

4542. Did you give Gibson the amount? You see the large sum of 30 *l.* in one instance; did you give him an amount of money to the extent of 30 *l.* without knowing what it was for?—He gave me a receipt for that money.

4543. Did you know what it was for?—It was for committee-room expenses, for messengers and clerks.

4544. Did that appear on any account?—No, it did not.

4545. So that Gibson said to you, "I want 30 *l.* for messengers, clerks, and committee-room expenses," and you paid it?—I paid it, but not without inquiry.

4546. Did you see Mr. Illingworth pay him 40 *l.* in the committee-room?—I did.

4547. Was any account given for that?—No.

4548. Did you yourself go and get money from the bank, and pay it over to Gibson, or see Mr. Illingworth pay it over to Gibson in the committee-room?—I paid the amount to Mr. Gibson and to Mr. Illingworth.

4549. Now, will you hand me this account book again (*the same was handed back again to the learned Counsel*). Just let me call your attention to this. Let us see if we understand each other upon the account: I see first, "Mr. Gibson's expenses as per list, 48 *l.*"; where is that list?—It ought to be there.

4550. It ought to be there, but I am afraid it is not. "November 20. Cash to Mr. Gibson, 30 *l.*"; that you paid without any account?—Yes.

4551. "November 21. To Mr. Illingworth, 15 *l.*;" did you pay that without any account?—Without any account.

4552. "14th. To Mr. Armitage, 25 *l.*;" did you pay that without any account?—Yes.

4553. "21st. To Mr. Mossman, 50 *l.*;" did you

Mr. J. Holt. pay that without any account?—Yes, without any account.

28 January 1869. 4554. Now, can you tell me, is that the account you refer to as Mr. Gibson's expenses (*handing an account to the Witness*)?—Yes, this is the document made by Mr. Mossman, and given to me.

4555. That was made afterwards, you know, for the purpose of making out his claim?—It was, but it was made by Mr. Mossman.

4556. You see, I want to know about what I am to take as "Mr. Gibson's expenses, as per list," that does not refer to this document, I presume, if it was made afterwards; am I to take it that you paid the 48 l. to Mr. Gibson for expenses without any document at all?—I paid 30 l. to Mr. Gibson.

4557. I am now upon the 48 l., did you pay that without any account at all?—Without any account; I took a receipt for it.

4558. Can you tell me what is the meaning of this—"Poole's lot: Mat Laggan, Patrick O'Donnell, John Haley," and so on; you do not know anything about Poole's lot?—I do not know anything about it.

4559. Mr. Baron Martin.] As I understand, Mr. Mossman was the attorney who managed this ward?—Yes.

4560. Mr. Giffard.] There is no entry, as far as I can see here, of that sum of 40 l. paid to Gibson by Mr. Illingworth in your presence; that does not appear in your account at all?—No.

4561. It would not appear in your account, because it was paid by Mr. Illingworth?—No.

4562. He seems to have had a large sum of money; what was Gibson; I know he was a butcher, but I mean with regard to this transaction?—Gibson took an active part in the West Ward.

4563. He took an active part in the West Ward, and that is why he got all that money?—Yes.

Re-examined by Mr. Price.

4564. Did Mr. Gibson manage one of those districts?—I could not say.

4565. About this 50 l. that Mr. Illingworth paid; where did he get the 50 l. from?—He got the 50 l. from me.

4566. And that would be entered in this book, somewhere or other, as part of some other sum?—If I paid him 50 l., it would be entered in that book, and I should have a receipt for it.

4567. About this 100 l. on the polling day; my learned friend said there was a cheque paid to you personally on the polling day; in fact, every cheque was made payable to you?—Yes, with the exception of two or three.

4568. My learned friend asked you whether there is any account given of the expenditure of that 100 l.; I see opposite to that on the day of the poll, "Paid Brown on account, 90 l.?"—Yes.

4569. Would that come out of the 100 l.?—No, it would not; you will see lower down that on the 17th I got a cheque for 90 l.

4570. Did you put this 100 l. into your own pocket, and walk away with it?—Not at all; if I did, there are accounts here which would not be paid.

4571. Was it spent, at all events?—It was spent.

4572. On Mr. Ripley's election?—Yes, on Mr. Ripley's election.

4573. And it appears somewhere here?—Yes, it appears somewhere here.

4574. You knew that Mr. Mossman and those other gentlemen were appointed from the different wards?—I did.

4575. If they sent you an account in by Gibson, or whoever they sent it by, did you consider that a sufficient authority to give a cheque for it?—Not without showing it to Mr. Little first.

4576. Even if Mr. Mossman sent you an account, you showed it to Mr. Little and got his initials, and then drew a cheque for it?—Yes.

4577. You did not trouble yourself, then, to look into the particular items of the account?—A rule, I checked the accounts.

[The Witness withdrew.]

Mr. EDWARD KITCHEMAN, sworn; Examined by Mr. Littler.

Mr. E. 4578. You are a stuff merchant in this town, are you not?—Yes.

Kitcheman. 4579. Have you lived in Bradford all your life?—Yes.

4580. You have taken a good deal of interest in political matters for some time in the East Ward, have you not?—Yes, I have.

4581. I believe that in August last you became a member of Mr. Ripley's committee for the East Ward?—Yes.

4582. You were chiefly connected with the East Ward, were you not, throughout the whole contest?—Yes.

4583. The central committee for the East Ward was at Eastbrook House, was it not?—Yes.

4584. In the first instance, there were 14 district committees?—Yes.

4585. At that time, the vice-chairmen at the central committee were the chairmen at the district committee?—Yes, of the central ward committee.

4586. And the ward was worked from the central ward committee?—Yes.

4587. Not from the central committee of the whole borough?—No.

4588. You were not attached as chairman to any of the subdivisions, were you?—No.

4589. Afterwards, there were some other committees opened of which the chairmen were not members of the Central Ward committee, were there not?—Yes, nearer the election there were.

4590. You were, in the earlier part of the contest, engaged about five nights a week, and subsequently you added another to it?—Yes.

4591. So that you were engaged nightly in promoting the election?—Yes.

4592. You engaged most of the rooms, did you not?—I sent round and told them I should want them very likely for Mr. Ripley.

4593. Was any arrangement made at that time as to the rents to be charged?—I went round afterwards; but, with one or two exceptions, I never asked the question what rent would be charged.

4594. You never made any specific arrangement as to what was to be charged?—Not for a single one at that time.

4595. Was anything said at that time to the landlords

Mr. E.
 Kitcheman.
 28 January
 1869.

landlords of any of the public-houses as to refreshments, in the first instance?—Not at all.

4596. Afterwards did you, from time to time, receive applications, such as I think we have produced one or two here, from the committee, asking for refreshments?—The chairman told me, times without number, that they wanted refreshments for the committee-men and canvassers, and for the men that were working.

4597. At this time none of the committee-men were paid as canvassers, were they?—None of them.

4598. Were they working men chiefly who were devoting, as far as you know, their time to the cause?—Almost all were working men.

4599. Were they chiefly working men?—Yes.

4600. Mr. Baron *Martin*.] By working men do you mean labouring men?—Yes.

4601. Mr. *Little*.] Did you know at the time what they were doing, or whether they were working or not in the evening for Mr. Ripley?—Yes; they had canvass books in all but the Irish districts, and there we could not get.

4602. So far as you knew at that time, were those men actually and honestly canvassing for Mr. Ripley?—Yes.

4603. You say that you received applications from the chairman from time to time?—Yes.

4604. Were those applications in writing?—No.

4605. They were verbal communications?—They were verbal communications.

4606. In consequence of those communications from the chairman, what did you do?—I spoke to Mr. Little, and asked him if it was legal that canvassers that were working night after night at the weekly meetings should have some refreshment.

4607. What answer did Mr. Little make to that?—He did not give me an answer at that time; he said he would look into the matter.

4608. Did he eventually tell you?—He eventually told me that it was quite legal for canvassers to have reasonable refreshments at the time of their meetings, when they were giving the result of their canvass; but the difficulty was how to have those refreshments without their being abused.

4609. Did you discuss the matter more than once with Mr. Little and with the principal members of the committee of your ward, as to how it should be done?—Yes, I did.

4610. While those discussions were going on, did you receive further applications from the chairman on the subject?—Yes, I did.

4611. What was the ultimate decision that you came to as to what was to be done?—That the only course left would be to put into the hands of each of the chairmen of the divisions the responsibility of seeing that nothing but reasonable refreshments come in for the committee that were canvassing, and that were working upon the election.

4612. Did you yourself communicate those instructions to the various chairmen of the sub-committees?—I did.

4613. How much of what you have already told us did you tell them?—I told them most of it. I told them that refreshments could be allowed to canvassers, but that they must either pay for them or give a note to the landlord for reasonable refreshments.

4614. Did you say anything to them about anybody else having refreshments besides canvassers?—No.

vassers?—No; I said it must be only in committee-rooms and committee meetings.

4615. In certain instances, you did not yourself know sufficient of the chairmen to trust them, did you?—I did not.

4616. In those instances what did you do?—I spoke to the landlord or landlady, and said that reasonable refreshments were allowed to committees through the chairman's orders; but I wished them to take care there was no excess gone to.

4617. So far as you know, was there any instance in your ward where such instructions were not given either to the chairman or to the landlord?—Not one.

4618. I believe that the chairman of your central ward committee was Mr. Alderman Mark Dawson?—He was.

4619. His health not being good, a good deal of work devolved on you?—Yes; he asked me to take his place when he was not able to come.

4620. I will take you to the expenses afterwards, but at present you did, up to the time of Mr. Terry's appointment, pay most of the matters which required cash payments in your ward, did you not?—Yes; all of them, I believe.

4621. In addition to the ward payments which you made, I will take you to the subject of some canvassers whom you employed; what was the first commencement of employing any paid canvassers; as I understand, for some time your canvassers were unpaid, were they not?—Yes, they were unpaid; we could not get any Englishmen to go and canvass in the lower districts of our ward.

4622. The lower districts are inhabited by the class of Irishmen of whom we have seen so many yesterday and the day before?—Yes.

4623. You say that you could not get any of your English volunteer canvassers to go amongst them?—No, we could not.

4624. And at that time you had very few, if any Irish, on any of your committees, had you?—No, not on any of our committees.

4625. Did you become acquainted with one Jeremiah Ryan?—Yes, I did.

4626. How?—I knew a young man they called Kane; I beg your pardon; Marshall Hanby first introduced me to Ryan.

4627. He was a member of your committee, was he?—No, he was a messenger.

4628. When you were introduced to Ryan, tell me what took place at your first interview?—He said that he thought it was too bad that Mr. Ripley could not have a meeting or go anywhere without being disturbed.

4629. Before that time, had Mr. Ripley tried to hold a meeting amongst the Irish?—Yes, he had.

4630. What had become of that meeting?—There was no good in it at all.

4631. Were the people who attended it chiefly English or Irish?—There were more English than Irish.

4632. There was a great disturbance, was there not?—Yes, a great disturbance.

4633. In fact, there was practically no meeting at all?—It was broken up entirely.

4634. Do you say that Ryan was introduced to you by Hanby, and that Ryan said it was a great shame that the meeting should be disturbed?—Yes.

4635. What further took place?—I said nothing further to him that night; that was all the conversation I had with him.

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4636. Where

Mr. E.
Kitcheman.
—
28 January
1869.

4636. Where was the next conversation you had with him; when did you come to engage him; tell us all that took place upon the occasion when you engaged Jerry Ryan to assist you?—I took him to Mr. Little, in the first instance.

4637. When you took him to Mr. Little, what took place then?—I do not know, only I left him with Mr. Little.

4638. After that, when did you next see Ryan after taking him to Mr. Little?—I saw him in one of our committee-rooms, and I saw that he was knocking about among his countrymen, and advocating Mr. Ripley's claims, and trying, at any rate, to get the people to listen to him favourably.

4639. Did you know at that time whether he was a voter or not?—I did not.

4640. From what you saw in the ward, you saw that he was trying to assist Mr. Ripley's cause?—Yes.

4641. What took place between you and him?—He said something about some bills, some circulars, or some papers; I forget now the exact words he used about Mr. Little, and that Mr. Little did not encourage him as he ought to be encouraged. I then went to Mr. Little and told him that I had been into our ward trying to canvass the Irish part of the ward myself, and that I had just been made to walk off to a Catholic priest, and was it really dangerous, and that I should not attempt it myself again.

4642. You did not like it yourself?—I did not like it at all.

4643. And you suggested, I suppose, the employment of Ryan?—Yes, I did, with a few men to go among their own countrymen.

4644. What did Mr. Little say to that?—Oh, he said he had no faith in paid canvassers.

4645. And you pressed it on him again?—I left him then; I said I did not see a chance if each ward in the borough had to be neglected.

4646. You pressed it on him, and eventually he did assent to your employing them for a time, did he not?—Yes, he did.

4647. What did you propose to Mr. Little that they were to do?—I proposed that they should not have regular canvass books to go from house to house and canvass, but that they should be more as advocates, to go from place to place, and from ward to ward, to advocate Mr. Ripley's claims upon the Irish people, and try to get them to vote for him, and to give him a hearing, so that they could hear him and judge for themselves.

4648. That was what you said to Mr. Little when he assented to their being employed?—Yes.

4649. When you hired Ryan, what instructions did you give him as to what he was to do?—What I have just told you.

4650. Was there anything said in that conversation with Ryan about neutralising the Irish votes?—Not at all.

4651. Did Ryan submit to you certain names of persons who he proposed should be employed in like manner with himself?—He did.

4652. Did he say anything about them as to their position, or their power over their countryman, or anything of that kind?—Yes, he did.

4653. What did he say?—He said there were many of his countrymen that, from principle, were holding aloof from voting, and if those men would only work he could get them to vote for Mr. Ripley, or otherwise they would not vote at all.

4654. Do you know whose names he men-

tioned to you in the first instance?—Kane, I believe.

4655. Was there another man, called Lawler?—Yes; Kane and Lawler.

4656. And Shelley?—No, I engaged Shelley myself.

4657. What men did he originally mention to you?—He mentioned Kane, Lawler, Holy, Bowen, and Lamb.

4658. Did he mention Mr. Coyne amongst the influential men?—Not at that time; he mentioned Hilley. Those lived in different parts of the borough.

4659. Did you see those men at that time, or did you send him to see them?—I saw them; he introduced them to me.

4660. Where did you meet them; do you remember?—I am not sure of the place where we met at first. I think it was the "Junction."

4661. What did you say to those men whom he introduced to you, as to what you wanted them to do?—I told them, as I said before, that I wanted them to advocate Mr. Ripley's claims, and to try and get the people to give him a hearing, and that they should go from ward to ward and do their best with that object.

4662. Was anything said by you, or by Ryan in your presence, as to what they should be paid for so doing?—They said they should want some remuneration. No, they said to me they should want some expenses; and I said, "No, not that; I cannot do that; I will not do a single illegal or dishonourable action to get Mr. Ripley into the House of Commons," and I gave them a sovereign each as wages.

4663. Afterwards, on a subsequent occasion, did you employ more of those Irish canvassers?—Not till about a fortnight before the election; perhaps there may be another name. Yes, I employed Coyne afterwards.

4664. Where did you pick up that very sterling Coyne?—I was in Blake's with Ryan, and it was after the Irish meeting, and he asked Coyne if he knew who I was; he did not, and Ryan told him. He said it was a great shame about the Irish meeting, and he would assist to get up a new register, so that he could call by circular a large meeting.

4665. I suppose that was the occasion that he refers to, when he assisted you to go through the burgess list?—Yes.

4666. You did employ him?—Afterwards Ryan came to me and said that Coyne wanted to see me, to ask me a question or two about Ireland, and Mr. Ripley's opinion upon Ireland.

4667. He did come to you, did he?—Yes.

4668. And you took him up to Mr. Ripley at the "Victoria"?—Yes, I did; he could not see Mr. Ripley that night.

4669. However, he did see Mr. Ripley afterwards?—Yes.

4670. After he had seen Mr. Ripley, did he say anything about whether he would support Mr. Ripley or not?—Yes, he said he would, and that he was satisfied with him.

4671. Was anything said by you to Coyne after that about his acting as a paid canvasser for Mr. Ripley?—Yes.

4672. What took place then?—I said very well, if he was satisfied and he wanted engaging I would engage him, and he and Ryan should manage the whole borough, as far as the Irish electors went.

4673. What was your expenditure and account of

of the Irish canvassers; was it for the East Ward alone?—No, it was not.

4674. For where was the expenditure on the Irish canvassers; for what part of the borough?—For the whole borough.

4675. Then tell me this; you employed this man Coyne; did you say how much he was to get?—He wanted 2*l.* for wages and 15*s.* for his personal expenses. He told me that Mr. Arnold had offered him 2*l.* 10*s.*, and as much expenses as he might go to, Mr. Arnold the Liberal.

4676. That was for the Liberal Association?—Yes, for Miall and Forster.

4677. What did you agree to give him?—I told him that I would give him 2*l.* 15*s.* a week as wages, but I would have nothing to do with expenses whatever.

4678. In engaging all those men, did you or did you not believe that they were going to devote themselves to working for Mr. Ripley?—Decidedly so; I did believe it.

4679. How many others did you subsequently engage?—Perhaps four or five.

4680. I suppose this is a list which you prepared (*handing a paper to the Witness*). I see Ryan, Lawler, Shelley, Holy, Bowen, Kelly, Coyne, Mahoney, Jones, and Kilfoyle?—I do not know Mahoney.

4681. Had you a man of the name of Jones?—Yes.

4682. And Kilfoyle?—Yes.

4683. Cligg?—Yes.

4684. Quigley?—Yes.

4685. Lamb?—Yes.

4686. Marshall Hanby?—He was a messenger.

4687. And Haley?—Yes.

4688. In addition to those there were one or two whom Ryan employed?—There were several in the last 10 days.

4689. Very well; we will ask Ryan about that; with regard to this list of those whom you employed, what was the total amount which you paid out?—About 94*l.*, as far as my memory serves me.

4690. Part of that you paid with your own hand, and partly by whom?—Through Ryan, but I gave Ryan the amount and told him who to give it to.

4691. You took the list of those charges to Mr. Little, did you not?—I did.

4692. What did he say?—He said, "You have got 94*l.* down; that is a large amount;" and he said he did not see that they were doing any good; he never believed in canvassers.

4693. What did you say?—I said I thought they were doing great good.

4694. Did you at that time or not believe that they had been out amongst their countrymen to induce them to give Mr. Ripley a hearing?—Yes, I did; and to get them to vote for him as well; to canvass for him, not with books.

4695. At that time had you said anything to him about neutralising the Irish votes?—No, not at all.

4696. Did you ever use such an expression?—Never.

4697. Did you ever say to anyone of those men that have been mentioned, that they were to go to work to try to get people not to vote against Mr. Ripley till the last week, and then to get them to vote for him?—No.

4698. Or anything to that effect?—Nothing to that effect.

4699. After Mr. Little had refused to pay any

more, what did you do?—I called together the chairman, Mr. Dawson, Mr. Loogee, and Mr. Terry, the legal adviser, and we all four met, and I told them that Mr. Little had refused to give me any more money for the Irish canvassers; in fact, they were the only canvassers we had; and I said that as we were going to canvass the borough in the last fortnight on account of the recent municipal elections, it was necessary that we should have considerably more canvassers if we intended doing it in the time, as our previous canvass had never been worked up in the lower districts of the East Ward.

4700. I suppose from your political experience, especially in the Irish districts, you can tell my Lord roughly what is the number of Irish voters in the whole borough?—I have always understood them to be nearly 4,000.

4701. In your judgment at that time it was necessary to have more canvassers rather than to discharge them?—Yes; I felt sure of it.

4702. What did those three gentlemen say when you mentioned this?—They knew the result of the last canvass, and they said they would find me money if it was necessary, and they thought it was.

4703. I will now just take you through some of the things that have been said by the witnesses on the other side; you know William Bowen; do you remember Ryan introducing him to you?—Yes.

4704. Did Ryan tell you that he was one of the neutralising committee?—No.

4705. Did you say that Mr. Ripley would be as good as the other two, as far as his sympathy for their country was concerned?—Yes, I did say that.

4706. And if people would support him, that he would be better than Mr. Miall?—I did.

4707. Was anything said at that meeting about a neutralising committee?—Not at all.

4708. Did you ever tell Coyne when you gave him that sovereign, when Kelly and Holy and Ryan were there, that it was to keep the Irish from voting till the last week, and then they were to vote for Mr. Ripley?—I did no such thing.

[*The following paper was handed to his Lordship by Mr. Price:—*]

"Bradford Borough Election, 1868.

"We, the undersigned, assent to act as a committee for securing the election of Mr. Ripley as Member for Bradford neutralising the Irish votes:—

"M. A. Coyne, 5, Wild Boar-street. }
 "J. Ryan, 37, Loom-street. }
 "M. Lamb, 11, Hopper-street, Valley-road. x
 "J. L. Holy, 34, Bolling-street.
 "William Kelly, Temperance-street, 26.
 "William Bowen, 5, Paperhall-court.
 "J. Ryan, 37, Loom-street.
 "M. A. Coyne, 5, Wild Boar-street.
 "Thomas Lawler, 74, Captain-street.
 "Moss Quigley, 80, Long Croft-place."

Mr. Price.] It was upon that paper that I proposed to recal Coyne, and Coyne was not in the way, and it is upon that document that my learned friend is going to put a question.

4709. Mr. Littler.] I see here the name of William Bowen, 5, Paperhall-court; did you see him sign that?—Yes.

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4710. Here

Mr. E.
 Kitcheman.
 —
 28 January
 1869.

Sic.

In pencil.

Mr. E.
Kitcheman.
—
28 January
1869.

4710. Here is the heading in print:—"We, the undersigned, assent to act as a committee for securing the election of Mr. Ripley as Member for Bradford." Then, in pencil, the word "securing" is scratched out, and in ink the rest of the sentence, and there is put in, in ink, "neutralising the Irish votes." At the time that Bowen signed that, in what condition was the heading of that document?—This was not scratched out.

4711. Is it true that when Bowen signed that document, Coyne suggested the alteration?—No.

4712. Is it true that the alteration was made before Bowen signed it?—No.

4713. In what condition was that paper when Coyne signed his name to it in pencil? First of all, is it his writing?—That is his writing. I saw him sign it.

4714. In what condition was this paper when Coyne signed it in pencil?—It was in print. No scratching out at all. He signed it in the morning.

4715. Do you know in whose handwriting that writing is—"Neutralising the Irish votes"?—It is Coyne's writing.

4716. Did you see him write it?—He passed it on to me just as he was finishing it. I had not noticed it before.

4717. Was the ink dry then?—No.

4718. When was it?—It was the night of the same day on which he had signed his name in pencil.

4719. Mr. Baron *Martin*.] What did you say to him?—I just answered him, and I said, "That is only half doing the work. It must be in connection with, and for Mr. Ripley;" but I did not think it was unimportant to say anything to any other people about it.

4720. Mr. *Little*.] Then he signed it again in ink, did he not?—Yes; he signed it again in ink? It was when he signed it again in ink, after all the others had signed it, that he scratched that out.

4721. You had no ink in the morning?—No; we had no ink in the morning.

4722. Then those men who signed in pencil were requested to sign in ink?—Yes, at night they were.

4723. You handed it to Coyne to sign in ink, and then he made that alteration?—Yes, he crossed that at the same time. I objected to it, and I said, "It is only half doing the work. I must have it for Mr. Ripley."

4724. Did he tell you whether he had been to one of Forster and Miall's committees that afternoon?—He did not.

4725. Now, I will take you to Michael Lamb. Where did you first see Michael Lamb?—At the "Hope and Anchor Inn," I believe.

4726. Did you ever ask him to go to his countrymen, and get them not to vote at all?—No.

4727. What did you ask him to do?—He asked me to be engaged to support Mr. Ripley—to advocate for him.

4728. What were his words, as near as you can remember?—He said, "I should like to be engaged to work for Mr. Ripley," or something to that effect. I cannot give you his exact words.

4729. What answer did you make to that?—I engaged him.

4730. Did you say anything to him about neutralising the Irish votes?—Not at all. He has always spoken in favour of Mr. Ripley.

4731. As what did you engage him?—As an

advocate and canvasser, to go to all parts of the borough.

4732. To canvass for whom?—To canvass for Mr. Ripley among his countrymen.

4733. And to advocate Mr. Ripley's cause?—Yes.

4734. Now, I will take you to Coyne. When did you first meet Coyne?—It was about the 8th of October, I believe.

4735. Was it at the "Manor House," do you remember?—Yes, it was at the "Manor House," where we went through the register.

4736. Was it on the first occasion you saw him that you went through the register?—I had seen him at Blake's the day before.

4737. What did he say to you, or you say to him, at Blake's?—He said it was a disgraceful affair, the Irish meeting; that he was sure it was not Irishmen that had done it; and that Mr. Mahoney and Mr. Gillam were very much to blame in the matter, he thought, and that he should do his utmost; that he could have as much influence as Mr. Mahoney and Mr. Gillan in Bradford, and that he should do his utmost to get up an Irish meeting for Mr. Ripley.

4738. He mentioned Mr. Gillan at that time?—Yes; he mentioned Mr. Mahoney and Mr. Gillan.

4739. That was the same gentleman who was mentioned yesterday, or the day before, in the evidence?—Yes,

4740. What else occurred on that occasion, when you saw him at Blake's?—I said that Mr. Ripley spoke of having a meeting by circular just sent to the Irish people, and my difficulty was at getting at the names of the Irish people to send the circulars to. He said he would assist me to do that, and he arranged for the next afternoon to come and do it; which he did.

4741. Did he say anything about what was to be done with the register, when you met him?—He put a mark.

4742. Did he say, on the first occasion, what was to be done with the register, when he proposed that you should go through it?—That we were to extract the Irish voters.

4743. Did he say anything to you that he objected to Mr. Ripley's principles?—No, not at all.

4744. Did he ever say to you, "I object to Mr. Ripley, but I am anxious for fair play, and that the Irish should hear him"?—No.

4745. Or any such thing as that?—No; he said that Mr. Arnold and Mr. Walunk had a claim upon him, or he thought they had, because they had subscribed to Burke's Defence Fund; he had begged money from several of the Liberals.

4746. Burke was some man who was in trouble about Fenianism?—Yes.

4747. Did he say anything about what he would do with regard to Mr. Ripley's candidature?—No, not at that time; I did not say anything to him.

4748. You arranged to meet him the next day, and go through the register; will you state what was said, and what was done?—He went through it, and he asked for his wages for the afternoon; he could have earned as much as I paid him; I paid him 5s. He came without his dinner, and he asked for his dinner, and I paid 10s.

4749. That was for your dinner and his too, was it?—No, I did not have any dinner; Ryan had dinner with him.

4750. You

4750. You paid for their two dinners, and you gave him 5s. for his time?—I did.

4751. When you went through the register, did he point out all the Irishmen that he knew?—He marked them.

4752. Marked them himself?—Yes, he did.

4753. Was that the whole of the work he did that afternoon?—It was.

4754. In the evening you met him and Bowen, and Lamb and Ryan, did you not?—I do not know that I did; I do not remember it.

4755. Do you remember his ever saying to you that he would go in for neutrality, for what good would come of the Parliament of England for Ireland?—He said he did not believe in the English Government for Ireland at all.

4756. But did he say anything about going in for neutrality?—Not to me.

4757. Did he say anything about supporting anybody?—He said he would support the people's choice; that he considered the people's choice, but he did not say who that was.

4758. Did Coyne say at that meeting that he would not damage Mr. Miall?—I do not remember what meeting you allude to.

4759. I am speaking of the meeting when he asked what good would come of the Parliament of England?—No.

4760. Did he say he would not go in to damage Mr. Miall?—He did not.

4761. Do you remember his ever saying that?—No.

4762. As far as you know did he ever say it in your hearing?—Not to my knowledge; I am sure he did not.

4763. At that same meeting, did you hear Ryan say that he thought you would be dissatisfied with his neutralising the Irish votes?—No.

4764. Do you remember seeing Coyne a little while after, between one and two o'clock in the afternoon, I do not know what day, but between one and two o'clock in the afternoon, at the "Junction Inn"?—Yes.

4765. Was Ryan there?—Yes, Ryan and Coyne.

4766. Did you say to him that you would be very happy to get him on Mr. Ripley's side, though you had heard him speak for Mr. Miall?—No; he had been there to see Mr. Ripley.

4767. And he had told you that he would support Mr. Ridley?—Yes.

4768. Did you ever hear him speak for Mr. Miall?—No, never.

4769. Never in your life?—No.

4770. Then, it is not true that you ever said to him that you would be happy to get him on Mr. Ripley's side, though you had heard him speak for Mr. Miall?—No.

Mr. Baron *Martin*.] I am unwilling to interfere, but this is not material at all; it has no bearing upon the real issue.

Mr. *Price*.] Only in one way as to credit, that either Coyne is the witness of truth or he is not the witness of truth.

Mr. Baron *Martin*.] If you choose to ask a witness questions not bearing upon the issue, you must take his answer; you cannot go through the evidence of a person and get this witness to contradict him again and again, and again, upon what is not material.

Mr. *Price*.] A great deal of all this was given in examination in chief, not in cross-examination.

Mr. Baron *Martin*.] That may be, but it is not material; you can only contradict a witness upon what is material to the issue.

Mr. *Littler*.] I should venture to submit that this is material in this way: Coyne alleges that he was paid money to come over to us, and to go to work and vote against his conscience; and if we show that, on the contrary, he mentioned to us that he was desirous of helping us, that is material.

Mr. Baron *Martin*.] Surely that is not material, his voting against his conscience. It is only with the view of saving time that I interfere.

Mr. *Littler*.] I will just ask one contradiction for each of the other witnesses, and your Lordship will see what it amounts to.

4771. (To the *Witness*.) Will you just tell me this: did Coyne or any other of those canvassers ever tell you that they wanted the money which you were paying to them to spend amongst their countrymen?—No.

4772. Not one of them?—Not once: Lamb once said that it was expensive going about, and I told him I had nothing to do with it, I did not require it.

4773. So far as you know, and so far as any money that you expended, did you pay any sum except for services which were charged against Mr. Ripley?—Not any.

4774. So far as you know, had the services been rendered for the sums which you paid?—I believe they had; I met them night by night myself, and I thought the men were working hard.

4775. Did they show you a list of persons whom they pretended to have gone amongst?—Not many times written lists, but they told me night by night, and I paid them, and I said, "Now what do you say Bowen and Lamb?" and they told me, I thought, honestly what they had been doing.

4776. You really believed that they had been working amongst their countrymen and trying to get votes for Mr. Ripley?—Yes, I did.

4777. Did you pay them money for any purpose except for those services?—Not at all.

4778. With regard to the different public-houses, did you ever see any extensive drinking going on at any of them?—I never did.

4779. Did you ever yourself give or authorise the giving of any refreshment to influence a vote?—Never.

4780. Did you ever say anything to any of those paid canvassers about what they were to do, if they were voters, as to using their vote?—I told them that I did not want them to get into trouble; they must not vote at all if they were paid.

4781. Did you tell more than one of them that?—I cautioned everyone that I paid.

4782. Did you ever say to any of those men, "It is all right, I will see you right after the election," or anything of that kind?—Never to any of them.

4783. Do you remember ever being at the "Fire Brigade Inn" on a Sunday?—Yes.

4784. They said that you were exciting voters, were you?—No.

4785. What were you doing?—I looked in on a Sunday night during the election. I said I was not going to make a political speech, but I had understood that, in the municipal election, Salt and Read's men had gone about so that they would see what was going on; that was the day before the nomination.

Mr. *E. Kitchenman*.

28 January 1869.

Mr E. 4786. Had you anything to drink on that
 Kitchenman. night?—I had not.
 28 January 1869. 4787. Did you order anything for anybody
 else?—I never did order a glass of beer in the
 house in my life, except one downstairs which I
 paid for one night as I was going out.

4788. You had been about from time to time
 among the committees in the East Ward?—I had
 gone to every committee in the ward.

4789. Did you ever see anything like drunken-
 ness going on there?—Never.

4790. There was one man says there were 20
 or 30 half-gallons of ale brought up in one night;
 did you ever see anything which would lead you
 to believe that to be true?—No.

4791. How many men did you generally see
 in the committee-rooms when you went up?—
 Twenty and 25, 30 and 15.

4792. What would be about the average?—I
 should think we should average from 20 to 25
 voters and non-voters.

4793. So far as you know, was any distinction
 made between voters and non-voters at the com-
 mittees?—No; they all worked alike.

4794. So far as you know, was anyone admitted
 into the committee-rooms who was not a com-
 mitteeman?—No, never.

4795. Did you give my instructions on that
 head to the messengers?—Yes, to every com-
 mittee.

4796. And to the chairman?—Yes; the chair-
 man gave instructions to the people themselves.

4797. And there was a messenger appointed
 for each committee to keep the door?—Yes, to
 keep the door.

4798. You have heard some evidence here,
 about 48 l. and 50 l. at the "Harp of Erin," and
 such places as that?—Yes.

4799. From what you saw, was there any such
 amount of money liability being incurred for
 drink?—No; nor no authority given for it.

4800. Did you ever in any way endeavour to
 influence any of those men who were paid to
 vote for Mr. Ripley?—I cautioned every man
 not to vote, though I knew they would vote for
 Mr. Ripley if I did not caution them; I cautioned
 them because I was afraid that they would get
 into trouble.

4801. You have seen those circular instruc-
 tions at the committees?—Yes.

4802. They were freely circulated, were they
 not?—Yes.

4803. You had a large number sent to your
 central committee?—Yes, to the central ward
 committee.

4804. Did you cause them to be circulated?—
 Yes, I or the secretary did so.

4805. Did you see them in the district?—Yes,
 I saw them in the district.

4806. As far as you know, were they pretty
 general in the district committees?—I believe
 so.

4807. The money which you got from Mr.
 Little, as you say, was 94 l.?—About 94 l.

4808. In addition to that, you got 50 l. from
 Mr. Dawson?—Yes.

4809. And 50 l. from Mr. Loogee?—Yes, and
 35 l. from Mr. Loogee.

4810. Did you pay that money either yourself
 to the canvassers, or to Ryan to pay to the can-
 vassers, and to pay for his own services?—I paid
 part of it myself, and the other to Ryan to pay to
 the canvassers and for his own services.

4811. As far as your power extended over him,

was it or was it not expended in paying can-
 vassers' wages?—It was.

4812. Was one single sixpence either directly
 or indirectly spent for buying votes or for treat-
 ing?—No.

4813. You yourself are really out of pocket
 by the election, are you not?—Yes.

Cross-examined by Mr. Giffard.

4814. I am sorry to hear that; will you give
 me the account; I should like to see it; have
 you got your account (*a paper having been handed
 to the learned Counsel*); is this your account?—
 Yes; I can tell if I look at them.

4815. Are those the only accounts you kept?—
 No; there are more than those.

4816. Where are they?—I gave in the
 accounts; those are the accounts that I paid
 myself, or told Mr. Ryan to give to the can-
 vassers.

4817. Did you keep a book?—Yes.

4818. Where is that book?—It is here (*pro-
 ducing a book, and handing the same to the learned
 Counsel*).

4819. Before I look at it, will you tell me
 this; did you keep this book and make entries
 in it from day to day as payments were made,
 and as facts occurred?—I did not make entries in
 the book at all.

4820. Did you keep any book in the months of
 November and October last?—No; not always.

4821. When did you first keep a book?—That
 is a book that I kept for memorandums.

4822. When?—From, perhaps, September.

4823. Shall I find in this book an account of
 the different payments that you made to Ryan,
 for instance?—No, you will not.

4824. Then I do not think I will trouble you—

Mr. Baron Martin.] Here are the accounts;
 have you seen both sets of accounts Mr.
 Giffard (*handing the accounts to the learned
 Counsel*)?

Mr. Giffard.] I have seen both sets of
 accounts, I think, my Lord.

4825. Mr. Baron Martin (to the Witness).] How much money did you get in all?—I got
 about 110 l., and 94 l., I believe from Mr. Little;
 and he refused to pay me somewhere about 34 l.;
 in the other account I got 135 l., and I paid
 175 l.

4826. What you have stated here is, that you
 got 94 l. from Mr. Little, 50 l. from Mr. Dawson,
 and 50 l. and 35 l. from Mr. Loogee?—Yes; but
 I got that 94 l. for canvassers for the whole
 borough, independent of that for committee ex-
 penses, cabs, committee-rooms, postage, and other
 things; for all the expenses of the ward I got
 about 110 l.

4827. How much would it be altogether that
 you got?—It would be 204 l. from Mr. Little,
 and 135 l. for others.

4828. Mr. Giffard.] Did you keep any book
 at the time that you made the payments, either
 in October or November, showing the amount of
 the payments you made?—I did not.

4829. What is the meaning, in this book which
 you have given me, of the references, "57 b,"
 "61 a," and so on, "book 45," what does that
 mean?—It means that those are memorandums
 of canvassers that were canvassing those particu-
 lar books; there were two or three cases where
 I took down the canvassers on one particular
 night.

4830. There

4830. There are no amounts, so far as I can see, entered in this book as paid at all?—There are two or three receipts for wages.

4831. Can you tell me, from any source, any account or any book that you possess, when you paid any sums of money to Ryan?—I paid him from week to week for his own services.

4832. Cannot you give me some idea of the payments you made to him for other purposes than his own services?—Yes, I can.

4833. Just tell me?—I know very well, on the 7th of November, I gave him something, I believe, like 35 *l.*, as near as I can remember; and in the beginning of the following week I gave him 2 *l.* On Saturday, the 14th of November, I gave him something like 50 *l.* 10 *s.*, besides his own wages.

4834. When next did you give him any money?—I did not give him any money till several days after the election.

4835. Mr. Baron *Martin*.] How much did you give him altogether?—I gave him 82 *l.* altogether.

4836. Mr. *Giffard*.] Has he given you any account of the expenditure of it?—Yes, he has; he told me the names, and he showed me the list.

4837. Has he given you a written account?—He has not given me a written account himself, but he has shown me how the money was expended.

4838. I want to know whether he had given you a written account of the expenditure of the money?—I have seen a written account of how he expended the money.

4839. Where is it?—I have not got it; he showed me it, and I gave it to him back.

4840. When did he show you that account?—He showed me that account about 10 days since, or about a week since.

4841. That gave an account, did it, of all?—It gave an account of all the money he had received, and all the money he had paid.

4842. Mr. Baron *Martin*.] I suppose this 82 *l.* that you gave him was out of the 339 *l.*?—Yes. I paid 40 *l.* more than what I got in that amount. I was 40 *l.* short.

4843. Mr. *Giffard*.] Then, the 339 *l.* is what you actually received?—Yes.

4844. And you have paid 40 *l.* more than that?—Yes.

4845. I am not certain that I understand where you received all that 339 *l.* from. I have got what you received from Mr. Little or Mr. Holt, but where did you receive the rest?—I received 50 *l.* from our chairman, Mr. Alderman Dawson, and 85 *l.* from Mr. Loogee; and I was 40 *l.* short in this.

4846. Mr. Baron *Martin*.] I have got it down as 135 *l.* from the other two gentlemen?—£. 135 was from the other gentlemen.

4847. Mr. *Giffard*.] Who were the others that you spoke of?—I said Mr. Alderman Mark Dawson, the chairman, and Mr. Loogee; no other.

4848. According to my arithmetic, it does not agree, but I will not waste time further about it. You mentioned a number of persons with whom you first discussed with Ryan about their acting as a committee, or something like a committee; and you mentioned, I think, Kane, Bowen, Kelley, Coyne, Lamb, Holy, and Lawler; was there also a man named Quigley?—Yes; I mentioned him.

4849. Did they first meet, do you know, at the "Junction" hotel, Leeds-road?—I believe they did.

28.

4850. Were you there that night?—Yes.

4851. I believe on that occasion Lawler and Quigley did not come?—Not the first night.

4852. On the 7th of November, did you give Ryan the sum of 20 *l.*?—I gave him more; it was 30 *l.* on the 7th, I believe.

4853. Whereabouts was it you gave him that money?—I gave him it at Blake's.

4854. Was there a man of the name of Hinnigan, and Horne (whose name appears on the list as Hoare); were those two men present at all?—I did not remember them.

4855. Did Ryan mention their names to you?—I never remember Hinnigan.

4856. Do you remember who the chairman at the "Shamrock" was?—I do not know the "Shamrock."

4857. You, as I understand, took the committee-rooms yourself?—Not in the other wards. I never went with one or two exceptions, out of my own ward, myself.

4858. I think you are very likely right that you did not go into that ward; do you remember about the middle of September, I think it was, a meeting about the Irish national songs; had you anything to do with that?—I had nothing to do with the Irish national songs.

4859. As I understand you, you had not known Ryan before at all?—I had seen him, but I did not know him by name. In municipal matters I had crossed him, but I did not have anything to do with him.

4860. You were, as I understand you, working as a volunteer, not expecting to be paid at all?—No, I did not expect to be paid.

4861. You were working as a volunteer for love of the cause, or for love of Mr. Ripley?—My working was because I did not want Mr. Miall to be a Member for Bradford.

4862. I mean for political reasons; I care not what they were; but not with any hope of payment yourself?—I never expected any.

4863. Have you demanded the 40 *l.* you were out of pocket?—I have not demanded the 40 *l.* I was out of pocket; and I spent another 34 *l.* besides. I did expect that I should get that; but Mr. Little refused it. The 40 *l.* I paid because the men came to more than what I had calculated; the money was gone that I got from Mr. Alderman Dawson and Mr. Loogee, and I paid it rather than break faith with the men; I did not expect that.

4864. As I understand, that 40 *l.* is not the sum which has been refused?—It has not been refused, because I have not asked for it.

4865. That is in addition?—Yes.

Re-examined by Mr. *Price*.

4866. The 40 *l.* account, did you send that in to Mr. Little?—I sent it in after the election to show him what I had spent in all ways.

4867. I mean, you have not kept it back from Mr. Little?—Oh, no.

4868. You did not cancel it; you sent it in?—Yes. Mr. Little wanted to know all what money I had spent, and I showed him it; but I never demanded it.

Mr. Baron *Martin*.] Here are those accounts; will you just take them and ask him are those correct.

(The accounts were handed to the learned Counsel.)

O 4.

4869. Mr.

Mr. E.
Kitchman.
28 January
1869.

Mr. E.
Kitchman.
—
28 January
1869.

4869. Mr. Price.] What became of the 40 l. account; you sent it in; what was done upon it?—I never claimed that.

4870. But you sent it in because Mr. Little wanted to know all you had spent?—I asked him to return me it when I showed him the account for 175 l.

4871. Did he return it to you?—Yes.

4872. Just tell me what that 40 l. was; you said you did not wish to break faith with the men?—I had received 135 l.; that Mr. Little had nothing to do with; that the chairman Mr. Dawson and Mr. Loogee provided me with. I had given an account of 175 l. to Mr. Little, showing how I had spent this money that I got from Mr. Dawson and Mr. Loogee, myself, and 40 l. over, which I had got. There are the accounts somewhere.

4873. You say that you paid the 40 l., and at present you are that sum of money out of pocket?—Yes.

4874. You did that, as I understand, because you pledged your faith, and you thought it right to keep it?—I durst not do any other after I pledged my faith with them, after I had said I would pay them.

4875. I am afraid not only are you out of pocket, but you have had something else done to you besides?—I have, indeed.

4876. You were laid up with the ill-usage you received?—Yes; I have not been very well ever since; I have had threatening letters, and the police watching the house, and many other things; I was laid in bed for a week together; I was set upon by a lot of those people.

4877. I want to know about this division of this expenditure, 204 l. and 135 l.; I do not know whether your Lordship has got it—

4878. Mr. Baron Martin.] He applied for money to Mr. Little, and Mr. Little declined to give it; he thought it was money that could be pro-

perly expended, and then Mr. Alderman Dawson and the other gentleman furnished him with funds; and, in addition to what they had furnished him with, he spent 40 l.?—That is so, my Lord.

* 4879. Mr. Price.] Out of that 204 l. got from Mr. Little, 110 l. was for committee-rooms?—Yes.

4880. Mr. Baron Martin.] Just look at the account you have got, you will find 110 l. marked upon the back of it; that is your own account; I suppose you will say that that account is a correct and true statement?—Yes, the account is correct.

4881. Mr. Price.] My learned friend forgot to ask you because we have had that virtuous man Coyne here, who returned 5 l. to the Infirmary; did he in point of fact get 8 l. 15 s.?—To the best of my knowledge I paid him for three weeks, and Ryan told me he did not do his duty, and I turned him away two or three weeks before the election.

4882. And he was dismissed there?—He was dismissed; he sent a list of names again demanding 3 l., which I refused to take.

4883. Mr. Baron Martin.] Just look at those two accounts, and tell me are those your accounts (*the accounts were handed to the Witness*)?—Yes, those are my accounts for canvassers and money received from Mr. Little; those are my accounts of the ward, expenses, postage, committee rooms, refreshment of committee.

4884. Are they correct?—Yes, they are up to the 7th; I paid no accounts after the 7th.

4885. Mr. Price.] What you have told us includes all you have paid with respect to the election?—I have not made another payment but what I have given an account of.

[The Witness withdrew.]

SAMUEL ABEL, sworn; Examined by Mr. Waddy.

Samuel Abel.

4886. ARE you the Landlord of the "Equity" inn, George-street?—Yes.

4887. Was there a committee held at your house for Mr. Ripley?—Yes.

4888. And during the time that it was held there, did you ever supply, or did you ever know of refreshments being supplied, to the voters there as such?—There was some refreshments supplied.

4889. Mr. Baron Martin.] Have you any book?—No.

4890. Mr. Waddy.] You sent in an account?—Yes, I sent in an account; you will see all my accounts; my wife made it out.

4891. Can you read?—No, I cannot read or write.

4892. Do you know your wife's writing?—Yes; those are my wife's writing; she is here, and she will prove it.

4893. Except what is down here, was any refreshment ever supplied during the time of the election to people at your house for the purpose of the committee?—Not to my knowledge at all; I told them not to supply any refreshments to any voters or anybody else during the election for the three days.

4894. Do you know the persons who formed that committee?—Yes.

4895. Do you know whether that committee consisted both of voters and non-voters?—Yes.

4896. Mr. J. G. Hutchinson, the solicitor, had charge of the ward in which your house is situated, had he not?—Yes.

4897. And did he warn you against supplying refreshments on the nomination and polling days?—Yes.

4898. To anybody?—To anybody.

4899. Are you able to say whether it is true that, on either the nomination or the polling day, any refreshment whatever was supplied by you or at your house?—There was none supplied by me.

4900. To the committee or anyone else without its being paid for by the people who had it?—No.

4901. Do you know a man of the name of James Burke?—Yes.

4902. Is it true that, about three weeks before the election, you gave James Burke 2 l.?—No.

4903. Is it true that you gave him 2 l. more in the course of the week?—Do you mean the week before the election?

4904. I will put it in this way; about three weeks before the election, did you give him 2 l.; and, in the course of the same week, did you then give him 2 l. more?—No.

4905. Do you remember a meeting of Irishmen in St. George's Hall?—Yes.

4906. Is it true that you gave to James Burke a sovereign to go there with some roughs to stand

a little bother?—I gave him a sovereign. He said he could not go to his friends without having some money, and I gave him a sovereign. Thirty shillings I gave him. It is all down there in my accounts.

4907. Before that time had Burke said anything to you about his being a canvasser?—Yes.

4908. Just tell me all that had taken place with regard to his being a canvasser?—He was the secretary to the committee—at least, the vice-chairman—and he wrote down all the names that had the canvass books in a book of his own, and on the Saturday night before the election, I paid him according to his book. As they would not have Englishmen in the committee, they would have it an Irish committee.

4909. Mr. Baron *Martin*.] How much did you pay James Burke altogether, first and last?—You will see the accounts here.

4910. How much did you pay him altogether?—Can you tell us?—From first to last, about, happen, 30 *l.* altogether.

4911. Mr. *Waddy*.] How much have you paid this man James Burke?—I paid him 5 *l.* 10 *s.* from first to last.

4912. Is it true that while they were meeting there the people meeting there used to get as much refreshment as they wanted without paying for it?—They would get anything in reason.

4913. To whom was what you say was in reason supplied?—It was supplied in the committee-room.

4914. Do you know a person called Patrick Ryan?—Yes.

4915. Was he acting as a canvasser, or in any other way?—He was the chairman, and he were acting as canvasser as well. I will tell you how this committee was formed.

4916. From first to last, how much did you ever give to Patrick Ryan?—I gave him 2 *l.* on the Monday week before the election.

4917. How much more did you give him from first to last?—Altogether, he got 2 *l.* on the Wednesday, I believe, and 2 *l.* on the Saturday.

4918. When you gave him this money, on what account did you give it to him?—He said he could not go about to his friends without some expense. He said he had to go about the town as far as Shipley and Idle, and all round there to see them. There was a lot of voters round that way, and parties that he had to see, and he could not go without expense.

4919. I should have asked you this question: Did Burke pay the other people?—Not as I know of.

4920. When you gave him the first 2 *l.*, did you tell him that he was to give it to such persons as he thought fit; that he should have plenty of money; and that he should be well paid for it after the election?—No, I did not say that. He was to go, not to give it; but to go and see, and use his influence about getting people to the election.

4921. Was this before, or after he had begun to canvass; did you give him any instructions what to do with this money?—No.

4922. What did you say he was to do with it?—He said he could not go about without money. I did not tell him what to do with it.

4923. How many of those canvassers were there at your house?—There was about 19 or 20, I believe in, at least.

4924. Do you know a man of the name of Brien O'Neill?—I have seen him. He lives in 28.

the same neighbourhood as me; but I know very little about him. *Samuel Abel.*

4925. Did you ever tell him to go and draw 10 *s.* in Thomas Brien's name?—No. 28 January 1869.

4926. Did you ever tell him that he was to say he was not a voter?—No.

4927. Do you know John Kilfoyle?—Yes.

4928. Is it true that John Kilfoyle, on the nomination day, breakfasted at your house without being charged for it?—No.

4929. Did he try to breakfast?—He could not breakfast; there was no breakfast made ready for more.

4930. Mr. Baron *Martin*.] He did not breakfast at your house on the polling day?—Not on the polling day, or on any other day.

4931. Mr. *Waddy*.] Did you, after the election, tell John Kilfoyle to go and draw two days' wages in the name of John Ginty?—No.

4932. Or on any other occasion?—No, on no other occasion.

4933. Did you tell him that he must give that name because he was a voter, and a voter could not draw money?—I never told him to draw money at all; they all knew very well that voters was not allowed to draw money; it was talked on 50 times; they knew very well that voters was not allowed to draw money at all.

4934. Did you hear that stated in the committee-room?—Yes, it was talked of 100 times.

4935. Did you ever tell him so himself?—Yes.

4936. Before the election?—Yes.

4937. Do you know what accounts you have rendered, or do you not?—This is my account that I have rendered.

4938. Do you know you have rendered another account as well?—No, I have not; it is up to the 14th.

4939. Were there any expenses afterwards, after the 14th?—There was no expenses at all; I told my wife she should not fill any more, or do anything during the election after the 14th.

4940. Your canvassing account you told me just now was 30 *l.*?—It is about 30 *l.*

4941. For canvassing alone during the whole election?—For canvassing.

4942. Here there is 11 *l.*, can you explain that?—I was short of 11 *l.* in paying the canvassers the Saturday night before the election, and I went to Mr. Ingham, and he gave me 11 *l.*, and I gave him credit for it.

4943. Where is the account for the 30 *l.*; have you delivered an account for the 30 *l.* to anybody?—Yes.

4944. Here is a receipt for 11 *l.*; is that what you mean when you say you gave him credit?—Yes, that is for 11 *l.*

4945. You gave that to Mr. Ingham?—Yes.

4946. To whom did you give the account for the 30 *l.*?—I brought the account into Mr. Little's office.

4947. Mr. Baron *Martin*.] From whom did you get the money?—I got the 11 *l.* from Mr. Ingham.

4948. From whom did you get the other money?—I have got no money since.

4949. Mr. *Waddy*.] Have you been paid more than 11 *l.*?—No.

4950. Mr. Baron *Martin*.] Then you paid the rest out of your own pocket?—Yes, and I have never applied for it.

4951. Mr. *Waddy*.] Have you not applied for anything beyond the 11 *l.*?—No.

Samuel Abel.

Cross-examined by Mr. Metcalfe.

28 January
1869.

4952. Have you paid all this money out of your own pocket?—Yes.

4953. And intend to do so?—I intended getting paid; but as I cannot I must lose it.

4954. Who did you expect to pay you?—Mr. Ingham.

4955. Did he promise to pay you?—No.

4956. Why did you expect that he should pay you?—I expected that he would pay me.

4957. Has he said that he would?—No.

4958. Why have you not sent in your account to him?—I made an account out about who I had paid and sent in.

4959. Where is that account?—It was sent in I am sure; I never got the money.

4960. Did you give it to Mr. Ingham?—I sent it in; the account is somewhere here.

4961. Shewing all that you paid?—Yes.

4962. Then you were advancing this money, if I understand you rightly, advancing 30*l.* out of your own pocket?—Yes.

4963. Had you monies in hand?—Yes.

4964. Did anybody tell you to pay this or that; who told you to pay them?—I told myself to pay them.

4965. Did you tell yourself to pay all those men; how many men did you pay altogether?—Either 19 or 20; they are all down in a list somewhere here.

4966. There are eight down in that list; but altogether there were 19 or 20?—Yes.

4967. Is that besides the 11*l.* that I see down there?—It includes the 11*l.*

4968. You said that there were no refreshments at all on the nomination day, on the polling day, at your house, I think?—Not that I know of.

4969. Were the refreshments taken to the cookshop opposite?—There is not a cookshop opposite.

4970. To a house opposite?—I do not know.

4971. Now, Mr. Abel come; were the refreshments taken on those two days to the house opposite?—No.

4972. Was not there meat and bread brought into your house and then taken to the house opposite for the people to have?—No.

4973. Nothing at all?—No.

4974. Did you stop the tap altogether on the polling day?—I was never in my house from half-past nine in the morning till nine o'clock the same night.

4975. You mean that you do not know what took place?—I know I ordered my misses not to fill anything during the three days, nor do anything.

4976. You went away to avoid seeing whether your misses did anything?—I did not go away to avoid it.

4977. But you say that you were out of your house?—I had other business. I was not on this committee, mind you; this was an Irish committee to itself, and I left them to manage the thing to themselves.

4978. You do not mean to say that you gave orders to starve the committee during those two days, do you?—About half-past nine o'clock they said they were starved out, and I said that a man had left about a quart of whisky, and they might have that; but I should not fill them anything that was for about 40 of them.

4979. You have not charged this whisky to the committee?—Not at all.

4980. Mr. Baron *Martin*.] What day was it that they said they were starved?—It was on the election day about half-past nine in the morning, and then I left and went away.

4981. Do you mean the polling day?—Yes, the polling day.

Re-examined by Mr. Price.

4982. You did not charge them for this drop of whisky?—No.

4983. Just let me understand, if I can; you have returned 11*l.* as paid to canvassers?—Yes.

Mr. Baron *Martin*.] In his accounts there are the sums of 11*l.*, 8*l.* 11*s.* 7*d.*, and 6*l.* 17*s.*; and I see they come to 26*l.* 8*s.* 7*d.*

Mr. Price.] The witness has now said, as I understand, that besides that 11*l.*, he has paid something more to canvassers, otherwise that account would be all right.

4984. (To the *Witness*). Is that so?—If you cannot find the account here, I have a copy of it at home, and I can send for it.

4985. Those men who you say were there on the polling day, and whom you saw take whisky which did not belong to you, but which somebody else had left; were they voters?—No, they were not voters.

4986. Were they committee-men?—They were committee-men; at least Burke had it. I gave it to Burke, and I said, "A man has left a quart of whisky, and you can have it if you are starved out."

4987. Were those men who had been employed on the nomination day to go and hold up their hands for Mr. Ripley, and that sort of thing?—I cannot tell that.

4988. Were they men whom you had seen at your place before?—They were men that I had seen there.

4989. Were they voters?—Not as I know of.

4990. Do you know whether they were Bradford men or not, or whether they came in from some other place?—I do not know whether they were Bradford men or not, or what they was. They was in the committee-room; they had it to manage themselves; they would not have Englishmen in.

4991. There was an Irish committee held in your house?—Yes.

4992. And they kept it all to themselves?—They kept it to themselves.

4993. Mr. Baron *Martin*.] Were those the men who got refreshments at your house?—Yes.

4994. Mr. Price.] Were they men who had been working there as a committee?—They had been working as a committee.

4995. How long?—About five weeks, altogether; four or five weeks.

4996. Those were the men who got this whisky on the polling day?—Yes.

4997. You knew them perfectly well?—Of course; I had seen them before. I did not know them all.

4998. How did you know that they were not voters then?—I did not know whether they was voters, or what they was. I never interfered with them.

4999. As far as you knew, they might or might not have been voters?—They might have been voters, or might not have been voters, for all I know.

5000. Mr. Baron *Martin*.] Here are receipts for

for 26*l.* 8*s.* 7*d.*; did you get the money, or did your wife?—I got some of the money.

5001. How much did you get?—I got 11*l.*

5002. Nothing more?—No.

5003. Nor did your wife?—No.

5004. Here are two receipts settled; “Settled, Samuel Abel.” Are those your accounts?—Yes, those are mine. There is another account that is coming in about all the canvassers. There is 11*l.* here, but there is another, and I have a copy of it at home.

5005. Mr. Price.] Who appointed this Irish committee?—Ryan and Burke.

5006. Was that Jerry Ryan?—No, Patrick Ryan.

5007. Who appointed the canvassers whom you paid?—They picked their own canvassers.

5008. Who returned the names to you as canvassers?—Burke; he put them down in a little book.

5009. Are those the books that they had for canvassing (*handing some books to the Witness*)?—Yes, they were like those little books.

5010. These are the books themselves?—Yes.

5011. Mr. Baron Martin.] Were these books brought to you by those people?—They were brought to Burke.

5012. Do you see what those books are? Here is a list of voters, made out as living in certain streets; here is Bedford-street, and you will find whoever made it out gave the number of the voter, and you will find what is written down by some of them, “called several times, but could not see him;” somebody else “would not promise,” and so on; “call again,” “call again,” “will not promise;” those are the books which I suppose they gave to you?—No, to Mr. Burke; they were returned to Mr. Burke.

5013. Was that the man who was examined yesterday?—Yes.

5014. Mr. Price.] They returned their books to Burke, and Burke gave in their names to you as men who had been canvassing?—Yes.

5015. On Burke returning their names as men who had been canvassing, you gave Burke the money; that is, you handed the money over to

Burke to distribute?—I paid the men as he called them out as had been canvassing; I put all the accounts in this manner; I paid the money, as he called them out to me.

5016. And you saw that they had those books?—Yes, they had the books; I put all confidence in this Burke.

5017. Do you know whether or not they did not subdivide again, and take the books with a fewer number of voters in than was put down there?—Yes, they divided it to make the work less, so as they could make more canvassers; they had so very little time to do the work in, that they divided the books to make the work less.

5018. How long were those men doing this work at your house?—There was some of them had been engaged five weeks; and there was a man called Bacon, and a man called Davit; old Mr. Davit.

5019. Davit was five weeks engaged?—Yes, he was five weeks.

5020. And he got 3*l.* 10*s.*?—Yes, he got 3*l.* 10*s.*; that was about 10*s.*, or 15*s.*, or 16*s.* a week.

5021. As far as you know, did Davit work during that time?—No, he was out on his other work.

5022. But did he canvass?—He canvassed all the time.

5023. I think that the other man whom you mention as being honest was James Bacon; was he five weeks at it?—Yes.

5024. And he got the same sum?—Yes, he got the same sum.

5025. The others I see, with that exception, I think, got sums about 1*l.*, most of them?—Yes.

Mr. Price.] If your Lordship wishes, I will put the account in to-morrow morning, and call Mrs. Abel.

5026. Mr. Baron Martin.] Burke is the man, as I understand, whom you put trust in?—Yes.

[The Witness withdrew.

[Adjourned to To-morrow, at Ten o'clock.

Samuel Abel.

28 January
1869.

JOHN HALEY	-	}						Petitioners,
CHARLES HASTINGS	-	}						
ANGUS HOLDEN	-	}	-	-	-	-	-	
TITUS SALT, junior	-	}						
AND								
HENRY WILLIAM RIPLEY	-	-	-	-	-	-	-	Respondent.

[The Witness withdrew.

5062. Have

5062. Have you not had the 2*l.* back?—Never; I have never asked for it.

5063. I suppose you were glad to get rid of them?—Yes, I was.

5064. Had anything been done in the neighbourhood by any of them at any other house, that you knew of, at the time?—I do not know that anything had.

5065. Had you seen Ryan on the 9th November?—Yes, I saw him many a time.

5066. Do you remember when he was paid the first 2*l.*?—I cannot say; at the time my husband gave me the 2*l.* of course he told me to put it down; I did not keep an account, but my husband's account.

5067. Had anything occurred about that time?—Of course they wanted some money to go on with the business; they would not break their work without they had money.

5068. Did you see whether they had canvassing books?—They all had that got money; they used to go out either to canvass or something; they pretended to canvass.

5069. Do you remember Ryan and Burke coming again to your husband for more money?—Yes.

5070. After that; on the 14th?—Yes, I do.

5071. Did you see them paid then; and what did they say?—I did not see them paid, but I know that he had to go and get money to pay them.

5072. Did you hear them say anything about what they would do if they were not paid?—I heard a great noise; Ryan's wife was in the bar long enough, and of course expecting his wages.

5073. Was your husband out when they first came, do you remember?—I believe he was, but I cannot swear to it.

5074. Had your husband to get away from them at any time?—He had.

5075. When was that?—On that night.

5076. How did he get away?—To try to get some money.

4077. How did he get away?—Out of the house; I think he went out at the back door.

5078. And got out of the premises altogether?—Yes.

Mr. LOUIS INGHAM, sworn; Examined by Mr. *Littler*.

5091. You were Secretary to the South Ward for Mr. Ripley's committee?—I was Honorary Secretary.

5092. Do you remember on the 14th November Mr. Abel asking you for money to pay canvassers?—Yes.

5093. Did he say how much he wanted?—He did not say how much he wanted in the first instance.

5094. Did he afterwards tell you how much he wanted?—He did; 11*l.*

5095. Did he say anything about the canvassers at that time?—He said that he had engaged them, and if they were not paid that night, he said, he was afraid they would take his life.

5096. Did you refuse to give him any money?—Yes; I refused to give him money.

5097. Did he go away?—He went away.

5098. Did he come back again?—Yes.

5099. The second time when he came, what happened?—He told me that he durst not go home; he said that these men had threatened him, and he durst not go home without the money, but I refused to pay.

28.

5079. Why was that?—Because he could not pay them if he had not money.

5080. Mr. Baron *Martin*.] Had he got the money?—He got I think 11*l.* from Mr. Ingham, which we gave Ingham a receipt for.

5081. Mr. *Price*.] You say that you gave them nothing to eat on the polling day, and that you drew no ale for them on that day?—I do not know that there was any drawn for them at all.

Cross-examined by Mr. *Giffard*.

5082. Will you swear that there was not?—Of course; I think I can swear that there was not.

5083. But do you swear that there was not?—I do.

5084. Who attended to the drawing of the ale; you?—Yes, mostly.

5085. Who else was attending to it?—I was told not to give them either meat or drink on that day; I thought I must give them this money; the men could not do without something; I was never ordered to do it by any man; Ryan came and asked me for some money or some refreshments, and I told him that I could not make dinner for myself nor for them either, so I gave them 2*l.*

5086. You gave that out of your own pocket?—Yes.

5087. You did not send it in as any claim in any account?—I have never made any claim.

5088. Have you got any claim for refreshments supplied after the 9th?—Yes, I believe there is one on the 14th, 8*l.* and some odd; on the Saturday night we sent all in.

5089. Mr. Baron *Martin*.] I understand that these men came and you supplied them with beer and refreshments to some extent, with the exception of this day?—Yes; I was forbidden to do it on that day, and they all knew that I was told that.

5090. On other days had you supplied them with drink, as your husband stated yesterday?—Yes, I filled them the drink.

[The Witness withdrew.]

Mrs.
M. J. Abel.
29 January
1869.

5100. Did you afterwards give him some money?—Some of the men came down from Mr. Abel's and sent out for me; I went to them, and there was one of them—

5101. Who were they?—Richard Divett, Patrick Ryan the chairman, and James Burke the vice-chairman; and they said that they had worked and they would be paid, or they would go to Mr. Ripley himself; I said, "Go and tell Mr. Abel to come to me," and they went and sent him down to me at the "Junction" inn, and I said, "How much money will pay these men?" and he said, "11*l.*" I said, "You are afraid of them," and he said he durst not stop at his house unless those men were paid, and I gave him the 11*l.*; but I told him that on no account was he to pay it to a voter who had been canvassing, unless he told him distinctly that he was not to vote.

5102. Did you yourself go round from time to time through all the committee-rooms of the ward?—Yes, several times.

5103. Did you say anything to the chairmen of the different committees about voters who

Mr.
L. Ingham

Mr.
L. Ingham.
29 January
1869.

were paid?—Several times. The Friday night before the election we went round to all the wards, and gave instructions to the chairmen of the committees that on no account were refreshments to be had on the day of nomination or polling; and that no man who was employed who was a voter should vote if he was paid under any circumstances. Mr. Hutchinson accompanied me.

5104. Is he the gentleman who was the solicitor for that ward?—He was appointed solicitor for that ward after Mr. Harris.

5105. You and he went to every one of Mr. Ripley's committee-rooms in the ward?—We went to every one of Mr. Ripley's committee-rooms; to all the central committee-rooms in the ward, with the exception of two, which were visited the night before by Mr. Anderton and myself.

5106. Before the election you visited every one of them?—Yes, I did.

5107. Were you afterwards paying persons at the Queen's Hotel?—Yes, I was.

5108. Before you paid each man did you ask him any question?—I asked every man if he was a voter before I paid him, and if he said that he was a voter I refused instantly to pay him. Before I began to pay I said, "If there is any voter in the room he may as well go out at once, as he will not get any money." I repeated it twice during the night, and besides asking the question every man who came to me to be paid—

5109. You had a copy of the register by your side to refer to, had you not?—I had.

5110. Did you refer to it from time to time?—It was referred to several times. I had also Mr. Abel there to detect any man that came if he knew him to be a voter.

5111. Were you here when those men said they came in false names?—I was.

5112. Do you remember the men coming?—I remember Burke.

5113. He came and gave you a false name. Did he say whether he was a voter?—Burke did not give me a false name. I knew that he was a voter. Some men came who were stopped, who gave false names, and they were sent back again.

5114. Every man that you could detect you sent back?—Every man without exception.

5115. You went round through the ward to visit the committee-rooms, and see what they were doing?—I did.

5116. Did you go to pretty nearly every committee-room?—Nearly every room in the ward.

5117. How long did you usually stay at a time?—Perhaps a quarter of an hour or ten minutes.

5118. I suppose you saw refreshments at the different houses?—I did.

5119. Did you see any quantities?—Never.

5120. We have heard in some house in your ward of there being 20 and 30 half-gallon cans in a night?—I never saw a half-gallon can in one of Mr. Ripley's committee-rooms in our ward.

Mr. Baron Martin.] The Act of Parliament prohibits the thing absolutely. There is no moderation in it: the Act says that "no person shall give or pay any expense for meat, drink, entertainment, or provision." It does not say anything about moderation or excess.

Cross-examined by Mr. Giffard.

5121. Have you any accounts?—All my accounts are delivered in to Mr. Little.

5122. How much money did you expend yourself?—I cannot say.

5123. About how much?—Perhaps 4 l. or 5 l.

5124. Do you mean to say that that was all?—I mean that was all.

5125. All that passed through your hands—

5126. Mr. Baron Martin.] That is all you personally expended?—As to all the money that passed through my hands I should pay something like 500 l. or 600 l.

5127. Mr. Giffard.] Where did you get it all from?—From Mr. Holt.

5128. Every part of it?—With the exception of one 50 l.

5129. Who did you get that from?—Mr. Little.

5130. With the exception of those two sums did you receive money from anyone else?—No one.

5131. No one at all?—No.

5132. Did you get the money from Mr. Little in a cheque?—No; in gold.

5133. When did you get it?—I believe it was the Thursday night after the election.

5134. What was it for?—To pay messengers; those I was paying at the Queen's.

5135. Did you ever spend any money or pay any money in respect of the election, except that 400 l. or 500 l.?—No.

5136. Never?—Never.

5137. Of course when you had so spent such a sum as that you kept some account of your own, I suppose, for your own protection?—Certainly.

5138. Where is it?—The book is here.

5139. Just show it to me (*it was handed to the learned counsel*). Do you recognise it?—Yes.

5140. This is the book, is it?—Yes, but you are looking at the wrong end of the book; that is the result of the canvass.

5141. Who is H. J. Wadman?—The landlord of the "Junction" hotel, the central committee of the ward.

5142. There is money paid by him?—Yes.

5143. I see here an account from the 6th November to the 14th, in which there are refreshments for one week; at one inn, 1 l. 9 s. 6 d.; at the "Engineers," 1 l. 4 s.; at another public-house, 1 l. 7 s., and after the 9th November, they get higher refreshments; one week, "Gladstone Arms," 7 l. 0 s. 2½ d.; "Sun" inn, 7 s. 2½ d.; "Peel" inn, 13 s. 4 d.; at another inn, 2 l. 1 s.; "Butchers' Arms," 2 l. 2 s.; "York" tavern, 3 l. 7 s. 6 d.; "Cemetery" hotel, 4 l. 5 s.; "Plough" inn, 3 l. 10 s., and all for refreshments. The total appears to be, with cab fares, a very small amount, altogether making up a sum of 120 l. These payments which I see afterwards of a similar character, after November 23rd, and so on, I suppose, were paid after, but the expense was incurred before the election?—It was so.

5144. On November the 28th, those were refreshments incurred before the election?—Yes; they were refreshments in every instance incurred before the election.

5145. That account, I see, amounts to 77 l. 2 s.?—That was money paid during that week.

5146. Then I see from the 23rd November down to the 28th, there is another account of 160 l.?—

160 l.?—Yes; that includes the rent for the committee-rooms.

5147. But the rent is given separately, I think, in most instances?—It is, I believe, in most instances so given.

5148. Have you got a list of the people that you actually paid?—A list is here of the men I paid.

5149. Just let me have it (*the same was handed to the learned counsel*)?—Those are them.

5150. Have you any notion how much you paid to Mr. Abel?—Yes.

5151. How much did you pay him?—I paid him his accounts for refreshments, 6 l. 17 s., that was the amount, I believe, on the 14th November. I paid him again, 8 l. 10 s.; after that night, I paid him 11 l. for the canvassers, on the Saturday night; that was all I ever paid to Mr. Abel.

Re-examined by Mr. Price.

5152. Are those all payments for messengers and door-keepers?—They are.

5153. And not voters?—Not voters; not a single voter.

5154. How long a time is that spread over, the amounts that were read out by my learned friend?—They are spread over from August.

5155. Mr. Giffard.] It was not that that I read over?—From the beginning of the election to the end; I believe you started with the early accounts.

5156. There may be others, but I did not read them?—You started with Mr. Wadman's, at the

beginning; it was in the beginning of the election in August.

5157. Mr. Price.] Some of those accounts are dated back as early as August; the fact is, that both sides began about that time?—Yes, they did.

Mr. Giffard.] There is no evidence to that effect.

Mr. Price.] This man gives evidence that it was so.

Mr. Baron Martin.] The question I have to inquire into is, whether the Act of Parliament has been contravened; that is the only question I have to inquire into, and it lies in the narrowest compass that a question can lie in.

5158. Mr. Price.] In the committee-rooms, did you see any but the committee-men and the messengers?—Never.

5159. Mr. Baron Martin.] When Mr. Ripley was there, was any drinking going on at Mr. Abel's?—Mr. Ripley attended two meetings at Abel's, and I attended the same meetings with him, and on both occasions there would be something like 200 or 300 people, and never a single glass of beer was in the room in which Mr. Ripley was during the time that we were there, only one single bottle of ginger-beer was brought into the place while I was there.

Mr. Giffard.] I shall not dispute that; that is part of my case.

The Witness.] And it was paid for.

[The Witness withdrew.]

JEREMIAH RYAN, sworn; Examined by Mr. Price.

5160. YOU are a voter in the East Ward?—Yes.

5161. Who introduced you to Mr. Kitchieman, at the last election?—Marshall Handy.

5162. Where?—At the Union Cross.

5163. Do you remember when that was?—It would be, I think, at the latter end of September, or the beginning of October, but I am not certain.

5164. What are you?—A labourer.

5165. What passed between you and Mr. Kitchieman; what used you to do among your countrymen at that time?—At that time among my countrymen, I used to sell Irish newspapers, and some pamphlets that I, like, was compiling myself into a book, and selling amongst them.

5166. You are the author of them?—You may call me what you like now.

5167. What passed between you and Mr. Kitchieman about the election?—He asked me if I was willing to be engaged like, to help the return of Mr. Ripley, and I said at that time that I had not made up my mind to bother at all with the election at that time, but Richard Kain came to me afterwards and he axed me in like manner to go to Mr. Kitchieman. I went to Mr. Kitchieman then with Kain, and I engaged with Mr. Kitchieman then to start like to help Mr. Ripley's return, because at this time there was no Irishman that dare go into the Irish neighbourhoods that spoke a word in favour of Mr. Ripley; so I engaged with Mr. Kitchieman then, and I went like and started to advocate Mr. Ripley's cause like amongst the Irish people, and it was a great hazard, because some of them

were ready to knock me down for dare saying a word in his favour at all, so I began to feel it was too hot for me, selling of these newspapers and periodicals, and I had to give over; in fact, it became so hot that they would not buy for them for advocating Mr. Ripley's principles.

5168. And you so lost that trade?—Yes.

5169. Did you have an interview with Mr. Little?—Yes, and he at first made very little of it, but he eventually paid me like for 2,000 of those songs and pamphlets.

5170. Were they of your own composition?—Yes, he paid me like for those. I said it was the only way I had of going amongst them.

5171. Mr. Baron Martin.] What did he pay you for?—For 2,000 songs, that I might go amongst them like and sell them.

5172. Mr. Price.] When he gave you that money, did you give him any bill for it?—Yes.

5173. What bill was it?—It was the bill I had after having 1,000 printed.

5174. Was it the printer's bill?—Yes.

5175. He gave you money to pay it, did he?—Yes.

5176. Mr. Baron Martin.] What sort of songs were they; were they about Ireland or about Bradford?—They were about Ireland principally.

5177. Mr. Price.] Have you any of them with you?—No.

5178. Mr. Little did not buy the songs of you, did he?—No; he paid me for them so that they should be an introduction to go amongst the Irishmen.

Mr.
L. Ingham.
29 January
1869.

J. Ryan.

J. Ryan.

29 January
1869.

5179. Did you go amongst the Irish with those songs?—Yes.

5180. What did you do?—I sold some of them, and when they found out like that I was doing Mr. Ripley's work I dare not sell any more of them then; I had to give over.

5181. Was there anything about Mr. Ripley in those songs?—No; not a word.

5182. What did you do then?—I gave over then selling them, and I told Mr. Kitchieman then that there was other Irishmen I was well acquainted with, such as Bowen, Bland, Lawlor, and Kelly and Hooley, and that these men with their assistance I thought we could get a good many Irishmen in Bradford to support Mr. Ripley.

5183. How were you to get at them to do that?—I was well acquainted with them.

5184. But what were you to do?—We were to go amongst the Irish people advocating Mr. Ripley's principles, and Mr. Miall was after putting some questions before them, to Mr. Miall in the Temperance Hall, Southgate; and Mr. Miall did not suit Mr. Lamb's principles, and on this occasion he said that he would back any one against Mr. Miall; he would go against any one advocating any one's principles against Mr. Miall's; he put some Irish questions to him and he evaded his answers. This was the reason that Mr. Lamb started first to advocate Mr. Ripley's principles, as Mr. Miall did not suit him.

5185. What did you do with Lawlor, Lamb, Hooley, Kelly, and Quigley; did you form yourselves into a committee?—Yes.

5186. Where did you hold your meetings?—We held them at different places.

5187. At the "Cross Keys"?—No.

5188. Where did you hold them?—We met at the "Junction" and at the "Manor House." I cannot remember the places one after the other.

5189. Were committees opened at those houses?—No; we opened no committees, we could meet where we liked; we sometimes met in our own houses, for instance; we met in our own houses, Lamb, Hooley, Kelly, and me, many a time.

5190. Was Coyne at that time engaged with you?—Not at first.

5191. How soon afterwards was he engaged with you?—It would be perhaps a fortnight.

5192. What was he engaged as?—He was engaged as a person to go about advocating Mr. Ripley's principles.

5193. What was it that you were to do, or to say to the voters. What was Coyne to say?—He was to say that he believed that Mr. Ripley was a better man than Mr. Forster. Coyne was against Mr. Forster and I believe he was an advocate of Mr. Miall.

5194. He was to get the Irish voters to vote for Mr. Ripley and Mr. Miall?—Yes.

5195. How long was Coyne engaged in that way?—Perhaps about three weeks.

5196. What became of him then?—He produced a list of men like that he said that had promised, and he was going out of the town.

5197. Had he a book to put the names of the people in?—He asked me for a pocket-book, and I gave it to him; he wrote the name like in this book in his own, out of his own, not of mine, and said that he should demand 3*l.* on those. I looked over the names, and I saw some names that I thought were not right, and I mentioned

one of them to him. He was a brother-in-law of my own, and he was put down in the wrong name, and the number of the house. I said, "Did he give you this name that is Hennessy;" and he said, "Yes, is not that his name?" I said, "No, his name is Shehan." I found that he was false, and I told Kitchieman of him. He did not receive the money, and he had no more to do with Coyne after that.

5198. It appeared to you that he was playing you false, and you turned him out?—Yes.

5199. In what capacity were Lamb and Brown employed?—They were in like manner going about every night to different places, even amongst Miall and Forster, where they met at different public-houses, where the committee-rooms were, and they there advocated the principles of Mr. Ripley. Lamb was one of the greatest advocates among the Irishmen in Bradford for Mr. Ripley, and at all the public meetings he spoke for him.

5200. Was Lamb a voter?—No.

5201. Was Bowen a voter?—Yes.

5202. Did you at any time hear Kitchieman say anything to Lamb and Bowen about expense?—Yes; when we were all engaged like, and was offered so much money, someone mentioned expense, and he said, "I will have nothing to do with expenses." Kitchieman said that, because he said "if one sixpence returns Mr. Ripley to Parliament I would not have that sixpence spent in an illegal way."

5203. Did he say that more than once to Lamb and Bowen?—Yes, he said it many times.

5204. Did you make a report to Kitchieman from time to time?—Not until the last fortnight.

5205. What did you receive yourself?—I received myself, I think, for my own wages, something about 29*l.*

5206. For how long a time do you calculate the 29*l.* for?—For seven or eight weeks, or something that way.

5207. Did you, when you went about, put persons on the committee, or on the canvassing list, or on any list?—No; I went about advocating Mr. Ripley's principles the same as the others.

5208. Is it true that when people came to you you said that it would be all right, and that they should be paid, or anything of that kind?—No. I never gave any man so much as sixpence for his vote.

5209. Did you promise them?—Never.

5210. Did you say anything as to what they should do if they were paid?—No. I told them distinctly that if any money was paid to any canvasser that that man should not vote. I told him so time after time.

5211. You did not vote, did you?—No; I was not going to vote, and therefore I would not wish them to vote.

5212. You have stated that you used to go about, did you go about in company with others, or generally by yourself?—We dare not go by ourselves; we went five or six into a house.

5213. Why was that?—Because if we got up to speak in an Irish company, if we were by ourselves, we would be killed; we had been threatened many times, and some of us had been beaten.

5214. Did Lamb and Bowen come down one night to your house, and did you hear of their having been down there kicking up a row, and asking for you?—Yes.

5215. And

5215. And of their going afterwards to Kitchieman for you?—Yes.

5216. Were you in at that time?—Yes; I was in on the night they came, but my wife would not let me speak to them, because two of my children were poorly at the time, and she did not wish them to be excited like.

5217. How much did you pay those men altogether; had you a list of them?—I generally used to put it down in pencil.

5218. How many had you under your charge as canvassers?—I paid 51 men; but out of those 51 I think there are 16 of them all voters, but there are six of them that I never knew were voters. Some of them had the same names.

5219. When you paid those men, what were they paid for?—They were paid for canvassing.

5220. Did they produce any books, or make any returns?—They used to come to the committee-room at night with books, but I had nothing to do with that. I met them from time to time canvassing. I met Corcoran, Luby, Young, and Cody one night in the street I live in. The four of them were together canvassing, and I asked them why the four went together, and Cody said, "If we went in twos there would be a gang about us, and they would beat us, and therefore it is better for the four to go together, because we can protect one another."

5221. Do you remember the time when there was a meeting to be held of the Irish at the Mechanics' Institute?—Yes.

5222. Mr. Ripley was to receive them there, was he not?—Yes.

5223. Was that meeting held, and was Mr. Ripley able to speak at it?—He was not allowed to speak.

5224. When you paid those men, or before, did you ever ask them anything about their votes?—As to any of them that I knew to be voters, I told them that if they were paid men they could not vote.

5225. You are certain, are you, that not one shilling of the money was spent for their votes?—Not one shilling was given for their votes.

5226. So far as you knew they were doing work?—So far as I knew I had seen them from time to time going about doing the work.

5227. You had, I believe, to go as far as Idle and Pudsey, and that part of the town?—Some of them went like a good distance out, perhaps a couple of miles, but some of those places were not in the borough; but there were voters who used to work at the stone quarries, and they went out to those places where they worked to ask those men to vote for Mr. Ripley.

5228. What were your own personal expenses and refreshments to 50 canvassers altogether?—The expenses for me and them like were about 7*l*.

5229. Mr. Baron *Martin*.] What were those expenses for?—For the week before the election. We wanted then to go like very much amongst the Irish that week, and we worked together; we went in and got our dinners.

5230. Was the 7*l*. spent for dinner?—Yes; during that week.

5231. Mr. *Price*.] From the 9th to a day or two before the polling, did you give anything to anyone?—No; up to Friday, from the 9th to the 13th, I gave no man so much as a glass of ale after that.

5232. To whom did you give those refreshments?—There was Murphy, and Hoare, and Cody.

28.

5233. Were the canvassers the men who were doing the work?—Yes.

5234. They were not strangers, whom you wanted to entice?—No; they were men I was well acquainted with, and they were working for Mr. Ripley.

5235. Did you spend any portion of this money, that you say was spent in that last week, upon persons for their votes?—Not a single penny of it.

5236. How much money did Lamb get from you altogether?—He got no money from me. Mr. Kitchieman merely gave me money one night to give like to him, and I gave a 5*l*. note to William Bowen, and he was to give 2*l*. 10*s*. of it to Lamb. Mr. Kitchieman had not time to see them, and he gave it to me to give to them; that was the only money I ever paid to them.

5237. All the other money that they received, they received from Kitchieman?—Yes.

5238. One night Kitchieman, not having time to do it himself, gave you a 5*l*. note to divide between them?—Yes.

5239. Is it true that one night you paid Lamb 30*s*. at the "Junction Inn"?—Yes; that was another night, when Kitchieman could not attend; he had a good many meetings to attend on that night, and he gave me this money to give to them.

5240. Thirty shillings?—Yes.

5241. On another occasion he gave you money besides the 5*l*. note?—Yes.

5242. Did you pay any money on any other occasion?—Not to my knowledge.

5243. Did you pay Bowen; and, if so, how much?—I paid him the same as Lamb.

5244. Was that when you paid Lamb the 30*s*.?—Yes.

5245. Was that for the same reason?—Yes.

5246. They said that their wages were to be doubled, that they were to be raised to 5*l*. a week, why was that?—The reason why they were to be raised to 5*l*. a week, they went to Mr. Michael Mahony's office.

5247. Who is he?—He is a wool merchant in this town; he was a great supporter of Miall and Forster, and they went to his office; Lamb, and Bowen, and Kelley.

5248. While they were canvassing for Mr. Ripley?—Yes. There was a man called James Dillon, who came to them and told them that if they went to Mr. Mahony they would get more money from him for canvassing for Miall and Forster than for canvassing for Mr. Ripley.

5249. Mr. Baron *Martin*.] Why were their wages raised; were they to do more work?—Because the work was getting heavier, and by the influence of those other parties trying to win them over to the other side; and therefore they would not do the work except they got the money for it.

5250. Mr. *Price*.] Did you agree with them that they were to give more of their time to it?—They worked both day and night for that week; I was paying them sometimes till three o'clock in the morning.

5251. Do you know John Hoard?—Yes.

5252. Is it true that you ever gave to him, at the "Oak Inn," where Patrick Darcy was chairman, outside the "Oak Inn," a sovereign, saying that he was to vote for Mr. Ripley?—I never knew him by name, and I never knew he was a voter. I knew him by the name of Murphy.

5253. Did you say you gave him a sovereign

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J. Ryan.

29 January
1869.

J. Ryan.

29 January
1869.

to vote for Mr. Ripley?—I never knew that he was a voter, and therefore I could not say so.

5254. Did you ever say that you gave him a sovereign to vote for Mr. Ripley?—Never.

5255. You knew him, as I understand you, by the name of Murphy?—Yes.

5256. On the register he appears under the name of Hoard?—Yes.

5257. But you knew him by no other name than that of Murphy?—No.

5258. Was Hoard put on as a canvasser?—Yes.

5259. Have you got his name down on any list in the name of Murphy; did you not furnish an account with the men's names in it: I see "John Hoard or Murphy"?—Yes. I merely put it down in pencil; that is, the men I paid, and you will find that they are all in that book just in pencil when I gave any money to anyone.

5260. "Murphy" I see; is that the name?—Yes.

5261. Mr. Baron *Martin*.] What did you give him?—The money I gave him for canvassing? I gave him 3*l.* 10*s.*

5262. How many Irish voters are there in Bradford?—I understand that there are between 3,000 and 4,000 Irish voters in Bradford.

5263. Mr. *Price*.] It has been stated that you had gone out of the way?—Yes.

5264. How was that?—There was Lamb, and Bowen, and Patrick Connor; and I met them at Blake's Vaults at the Exchange on Saturday. I think it would be the 28th November, and Connor said to me, "You are the general to return Mr. Ripley"; and he said, "We are the generals now to unseat him"; and he said, "You will be our private"; I said, "Perhaps the private might out-general the generals"; and Bowen said, "If we could only trust you we could make a good thing of it"; I said, "How is that"; he said, "Mr. Arnold wants to see you."

5265. Did you know Mr. Arnold?—I knew Mr. Arnold previously to the party taking the electioneering.

5266. Who was he?—He was the secretary for the Liberal Electoral Association, and I said "What for"? and he said, "I think you can give important evidence against Mr. Ripley, and I consider that if you do you can make it a good thing for yourself and for us." I said, "I will have nothing to do with it"; and I went and told Mr. Little about it; and then Lamb, and Bowen and me went to Leeds on the Sunday morning. I went to get more information out of them, and they told me the whole history about this unseating committee, as they called it, that was got up.

5267. Who was on this unseating committee?—There was Lamb, and Bowen and Connor. I only knew those three at that time, and I went with them to Leeds, and they told me, like the great subscribers to this fund, to unseat Mr. Ripley, the names of them; and amongst them was Mr. Sutcliffe, of the Valley Mills; and Lamb told me that he promised to set him up in business to the extent of 200*l.* if he could get men up to unseat Mr. Ripley.

5268. Lamb is in his employment, is he not?—No; but he lives on his property. I promised to go with them on the Monday to Mr. Arnold, and I went with them to Mr. Hargreaves' office on the Monday, and Mr. Hargreaves was talking with me before Mr. Arnold came in; and when he came in he then offered me 50*l.* like down, and 50*l.* after Mr. Ripley was unseated.

5269. Were Lamb and Bowen present when that money was offered to you?—Yes; they were present at the time. I said, "I shall have no less than 100*l.* down and 100*l.* after."

5270. Why did you say that?—When I saw that he was so liberal in offering 50*l.* at first and 50*l.* a-piece for Lamb and Bowen.

5271. Who else was there?—At this time there was Mr. Arnold, Mr. Hargreaves, and Mr. Mills.

5272. And you made a bargain, 100*l.* for you down and 100*l.* after the unseating of Mr. Ripley?—I proposed it and they agreed to it.

5273. Mr. Baron *Martin*.] Then it was a bargain?—I was to bring a written statement of it like, with what I wished to write out to them; and I can assure you that I did write out a good many lies. I thought that 100*l.* might be well paid for writing out a few good lies. I came home, and on the next day, when I wrote this statement out and I gave it to Bowen, he took it and went with me from my house, and if he had wished he could have given it to Mr. Hargreaves without my getting a penny, because I did not care for what I had put unto it. Before I went to Mr. Hargreaves's office I went and told Mr. Little about this 100*l.*, and he said, "Go and tell all you know, and get the 100*l.*" So I went, and Mr. Arnold came in, and he asked me had I my statement written out. Mr. Bowen said "Yes," and he went out. Then he brought in seemingly a bag of gold, and counted down eight 5*l.* notes to me in the presence of Bowen and Mr. Hargreaves, and 60*l.* in gold.

5274. Who else was there?—Mr. Hargreaves, Mr. Arnold, and Bowen; and when the money was put down, Mr. Mills came in just as I was counting the money like. At this time they clutched at the statement, and said there was great importance in it; that they were reading in it. Mr. Mills got it and read it while I was counting the money.

5275. Was it in the form of poetry or prose?—It was in the form of writing. I got this money, and then myself and Bowen came away.

5276. Did you get 100*l.*?—Yes, I got it in Mr. Hargreaves's office, and they told me then before I went away, that it was my duty to bring up men every day to give their statements there, and those men should be well paid for their trouble. I went to Mr. Little's office (myself and Bowen), and Mr. Little was not there. Bowen knew that I went and told Mr. Little about it, but Lamb did not. Mr. Little, I believe, was gone to London, or else I should have handed over the 100*l.* to him after I got it. I went home then, and then Bowen told Lamb, so that they got rather uneasy to see that I got 100*l.* and they had got nothing. Lamb, Bowen and Connor got others to come to make a great noise about my house, and I had to leave the place and sleep elsewhere. I thought it better to leave the town, and I went to Ireland. I have been there since.

5277. At whose expense?—At the expense of Mr. Hargreaves, Mr. Arnold, and Mr. Mills. I think I was justified in what I did.

5278. Where have you been staying in Ireland?—In the city of Cork.

5279. Is that your native place?—Yes.

5280. You have told us the gentlemen who were present when the money was paid; did you see anybody else about the office at the time, or at the door?—I will not say for that; I will not say what I do not know.

5281. Did

J. Ryan.

29 January
1869.

5281. Did a man called Ryan come to you and say that he had got any money, or did he get some from you; John Ryan?—Patrick Ryan and James Burke came to me on Saturday the 14th.

5282. Did you know Patrick Ryan?—I knew Patrick Ryan to be the chairman at the "Equity" inn of the Irish committee; that was at Sam Abel's house, and James Burke was also acting with me; they met me on Saturday the 14th, and they told me that Sam Abel had never given them a halfpenny, and I knew them at this time to have been for three or four weeks canvassing and knocking about; James Burke showed me the book of his canvass, and he told me that it was very hard to have been working so long for Mr. Ripley without getting anything, and Sam Abel would give them nothing; I thought that it was very hard for men with families to be so treated; Burke was a neighbour of mine, and I knew that he had a small family; I also knew Pat Ryan to have a large family, and I thought it very hard for them to work so long for nothing, and I gave them 2*l.* a-piece.

5283. They having told you that they had got nothing from Abel?—Yes.

Cross-examined by Mr. Giffard.

5284. Where have you been for the last three or four days?—I have been with Kitchieman.

5285. Where have you been?—At his house; at the "Victoria" hotel.

5286. You say that you told a pack of lies to Mr. Hargreaves in your statement, for which you were to get 100*l.*?—Yes.

5287. How much of this statement is lies: "On Friday September 11th, I first engaged with E. Kitchieman to neutralise the Irish vote"; is that true or false?—False.

5288. "I then received 2*l.*"; is that true or false?—False.

5289. "The same I divided between Thomas Lawler and Richard Kane"; is that true or false?—It is true; that is, about dividing the money between Kane and Lawler; but the date is false; there is a difference of a fortnight.

5290. "I then got 3*l.* a-week, and I was to form a committee to neutralise the Irish vote"; is that true or false?—That is false.

5291. Did you get 3*l.* per week?—Yes.

5292. Did you form a committee?—Yes; but not to neutralise the Irish vote.

5293. The only part of that passage that is false is the words, "to neutralise the Irish vote"?—Yes.

5294. Mr. Baron Martin.] Who suggested this word "neutralise"?—Coyne.

5295. Mr. Giffard.] Was he there when you wrote this statement?—No.

5296. Did you ever see Coyne from the time you dismissed him, to speak to him?—Yes.

5297. Where did you see him?—I saw him many a time through the town.

5298. But I mean, to speak to him?—I spoke to him the week before the election.

5299. Was that the last time you saw him before you wrote this statement?—Yes.

5300. Then Coyne could not have suggested the word "neutralise" in this statement?—I wrote it out because they thought it was very important evidence, by the directions of Lamb and Bowen.

5301. Then you say, "The following are the names of the committee: William Bone, 5 Paper Hall-court, voter; William Kelly, 26 Temper-

ance-street, voter; Michael Coyne, 5 Wild Boar-street; Michael Lamb, Valley-road; Timothy Holy, Bolling-street; Thomas Lawlor, 74 Captains-street; Moses Quigly Long, Croft-place, voter"; is that true?—Yes.

5302. "This committee first met at the 'Junction' hotel, Leeds-road, on Tuesday October 6th"; is that true?—Not so far as the time that they met there all together for the first time.

5303. "They met at the 'Junction' hotel, Leeds road, on Tuesday October the 6th; Lawlor and Quigley did not attend"?—No; all the others were not there at the first time; we did not meet there for the first time.

5304. Did you hear Kitchieman examined yesterday?—Yes.

5305. Do you swear that those other men, with the exception of Quigley and Lawler, were not at the "Junction" hotel?—Yes, they were there, but it was not the first time that we met there, I tell you; it was the first time that Coyne wrote to neutralise the Irish votes.

5306. "On Tuesday, October 6th, Lawlor and Quigly did not attend this neutral committee-work secretly until Saturday, November 7th, when I received 20*l.* in Blake's Exchange Vaults; 10*l.* in gold and two in notes to pay men"; is that true?—I received 35*l.*

5307. "On Monday, 9th November, 15*l.*"; is that true?—I received no money on the Monday.

5308. The two together, would be 35*l.*?—Yes.

5309. Did you mean to tell a lie then?—I meant to tell lies then; I just wanted to spread the dates.

5310. When you wrote "20*l.*" instead of "35*l.*"; was that intended to be a lie or the truth?—A lie.

5311. What was the object of that lie?—I wanted to write down everything that came into my head.

5312. Did you in fact receive 35*l.*?—Yes.

5313. You wrote down that you received 20*l.* on one day, and 15*l.* on the other, and you put those into two different payments as a lie on purpose?—Yes.

5314. What was the use of telling that sort of lie?—I did not care what I was putting down at the time.

5315. "On Saturday, 14th November, 50*l.*"; is that true?—I received 55*l.* on Saturday.

5316. Did you receive 50*l.* on the 14th November?—Yes; I received 55*l.* on Saturday.

5317. "On Sunday, 15th November, 10*l.*"; is that true?—I received no money on any other days, but these days, on the 7th, the 12th, and 14th.

5318. Then there is added "William Hennigan, 12, Palladios-buildings, voter; John Horn Hoardon, the Burgess Roll, 15, Palladios-buildings"?—They were not added to the committee with Lamb Bowen and the others.

5319. Were they wanted to form a committee at the "Shamrock"?—They were engaged to go into the West Ward, to open the Irish committee.

5320. At the "Shamrock"?—Yes, and the other houses.

5321. Then that part of it is true?—Yes.

5322. You seem to have mixed up what was true with what was false?—Yes.

5323. Then you say, "To those two men I gave the West Ward to work; I gave Horn, 3*l.* 10*s.*"; is that true?—Yes.

J. Ryan. 5324. "To Hennington, 1 l."; is that true?—Yes.
 29 January 1869. 5325. "But Mr. Armitage said he would pay Hennigan, as he was chairman for the West Ward."; is that true?—No.
 5326. "Mr. Armitage said this to me in the presence of Hoard"?—He did not.
 5327. "To Patrick Ryan, of 70 Frederick-street, South Ward, I gave 2 l. a voter;" was Mr. Armitage chairman of the West Ward?—Yes.
 5328. You have explained to us several times why you told lies; will you just explain why you

told the truth?—I put down everything that came into my mind at the time.

5329. But can you not explain to us why you told the truth?—Because there was no harm in telling the truth, but there was harm in telling lies. I put down the truth and the lies together, for the sake of getting the money. I told the truth, as there was no harm in it.

5330. Did you tell the truth by accident?—No.

5331. You really meant it?—Yes, as there was no harm in it.

[The Witness withdrew.]

Mr. MARK DAWSON, sworn; Examined by Mr. Waddy.

Mr. Dawson. 5332. You are a voter?—Yes.
 5333. And you took an active part, I believe, for Mr. Ripley at the last election?—Yes, I was chairman for the East Ward.
 5334. Have you been here during the trial of this petition?—Yes.

5335. Did you hear what was said about a sovereign, which was said to have been advanced by you to Conroy?—I was not in court at that time.

5336. Have you heard of it since?—Yes.

5337. Tell us what took place about that sovereign?—I was absent when the evidence was given, or I should have contradicted the statement, so far as it was stated that I gave this man a sovereign on the polling-day; on that day I was not personally at my office; I was at Eastbrook House from seven o'clock in the morning till three in the afternoon, except five minutes, when I went from Eastbrook House to the polling-booth to vote. I gave it next after Mr. Forster and another gentleman, and therefore to say that I gave him a sovereign on the following day, is untrue; it was a few days after the polling-day, which my clerk can prove, he was present in the office when I paid it.

5338. Did Conroy call upon you?—No; Crowther called upon me with three men, and said, that the canvassers had not been paid; some of them were hard up, and wanted money, and that if I would advance a sovereign on behalf of the candidates, it should be returned the following week when they were paid at Eastbrook House; that was the reason why I advanced that money.

5339. Had you known Crowther as a canvasser at your ward?—I had.

5340. Do you remember Mr. Kitcheman coming and getting that sum from you?—I can explain how it was got; he did not get it from me; I did not pay it to him as Mr. Kitcheman explained the other day; a meeting at Eastbrook House took place when he explained the position

he was in with regard to the Irish voters, and that unless they received their wages they would strike, and he satisfied Mr. Terry that all was quite legal and correct, and Mr. Terry said that I might advance 50 l. I accordingly did so; I did not pay it as I had not 50 l. then, but I told my son to pay it, and he paid it to Mr. Kitcheman on the following morning.

5341. What was it paid for; how was it to be spent?—It was solely to be spent for canvassing, and nothing else.

Cross-examined by Mr. Giffard.

5342. Do you mean to say that Mr. Terry told you that you might lawfully, during the election, make payments on behalf of the candidate?—I tell you that Mr. Terry advised that I might make that payment.

5343. Mr. Terry told you that you might lawfully make payments on behalf of the candidate during the election?—I tell you this.

Mr. Baron *Martin*.] This evidence does not really touch the question.

Mr. *Giffard*.] I thought, my Lord, that I was bound, on behalf of Mr. Terry, to ask that question; it is as clear a contravention of the Act of Parliament as was ever committed.

[The Witness withdrew.]

Mr. *Price* stated that there were several gentlemen who had been chairmen of committees in the different wards, who were anxious, as supporters of Mr. Ripley, to stand before the people of Bradford in a proper light, but that he would not call them if his Lordship thought they should not be called.

Mr. Baron *Martin*.] I think that there ought to be some limit to the evidence; but there is a witness of the name of Gibson, a butcher, whom I think you ought to call.

JOSEPH GIBSON, sworn; Examined by Mr. Littler.

J. Gibson. 5344. You are a Butcher, residing in the West ward?—Yes.

5345. You were chairman of the fifth district?—Yes.

5346. At the "Beckett's Arms"?—Yes.

5347. You were there; I believe, for about 13 weeks?—Yes; 12 or 13.

5348. How many were there on the committee there; 20?—Yes; between 20 and 30.

5349. Do you include canvassers in that number?—Yes; canvassers and committee men.

5350. Mr. Baron *Martin*.] Voters and committee men?—Yes; they were mixed.

5351. Mr. *Littler*.] How many were canvassers?—Six or eight.

Mr. Baron *Martin*.] Just put in the document that was before me yesterday; his return.

Mr. *Littler*.] Very well, my Lord. (*It was handed to the Witness.*)

Witness.] I believe this is my book.

5352. As

5352. As regards all those men, is that a list of the persons whom you paid?—It is.

5353. For what did you pay them?—I paid them for services rendered, for messengers, canvassers, and a body guard for myself.

5354. Why was it that you required a body guard?—Because I got brutally insulted once or twice, and Mr. Ripley's solicitor was insulted with me; they were so well organized by having 12 months' drill, that it was very dangerous to move.

5355. Had they been canvassing and preparing during that time?—Yes.

5356. Was there any one of those men who did not do work for his money?—No; I cannot say that there is one here but what worked for his money.

5357. Did you ever see any of them do any work?—I saw them working, knocking about, going backwards and forwards to the committee room, and bringing messages, and taking voters to the poll, and such as that.

5358. Did you make any difference between the voters and the non-voters?—I told the voters that they must not have any refreshments. I left word that the non-voters must have it, but none but the workers; I gave very little to any.

5359. Did you say anything to those who had votes, and who were paid, about what they were to do on the polling-day?—Those that I engaged said that they were not voters, when they were engaged.

5360. Did you tell any of them anything about voting?—I told them, if there was a man engaged, that he must not vote.

5361. You had men, had you not, on the polling day, or had you any before?—Yes, I was obliged to have, as I had information given by Mr. Miall's supporters that there would be a riot if Mr. Miall was losing during the afternoon in the ward.

5362. Was that the reason that you hired more men?—Yes.

5363. Do you know whether there were special constables sworn in before the magistrates?—I believe so.

5364. Towards the afternoon was there any disturbance in the West Ward?—Yes; they armed themselves, the Miallites, with bludgeons, pokers, tongs, and all descriptions of implements, and they broke all my windows, stole my meat, and struck my wife.

5365. Did anything happen at "Beckett's Arms"?—Yes; but I removed from there to make room for the Irish committee.

5366. I mean on the day of the election, did anything happen there?—I believe they broke all their windows.

5367. And at the "Prince of Wales," what happened?—That was partly gutted, as well as all the windows in the place.

5368. And at "Bobbin Turner's Arms"?—That was a very nice picture for an artist.

5369. Do you know whether at any of those places the people demanded drink?—No, sir, I was not at any of them, excepting that day.

5370. I believe ultimately the Miallites got the best of it?—Yes, they were very strong.

Cross-examined by Mr. Giffard.

5371. Do you know Dennis Burns?—Yes.

5372. Did you offer him money for his vote?—Never in my life.

5373. You are sure of that, are you?—Yes.

5374. Do you know William Handy; is he a

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voter?—Yes, since the election; I never knew his name before.

5375. Did you offer him money for his vote?—I never spoke to the man in my life.

5376. Did you not pay him money?—No.

5377. Look to your own list?—He is there; I put him down, and I know who paid him.

5378. Who paid him?—Mrs. Gibson.

5379. You did not pay this William Handy yourself?—No, nor engaged him.

5380. Who did engage him?—A man they call Gallagher, the captain of the non-electors.

5381. Were you present when Mrs. Gibson paid him?—No.

5382. Where did she get the money to pay him with?—She is always taking money in the shop.

5383. Then she paid it out of her own pocket?—She did.

5384. Did you get any money from Mr. Holt?—Yes.

5385. When did you get it?—The Friday night after the election.

5386. How much did you get?—£. 30.

5387. From Mr. Illingworth?—Yes, 15 l., and from Mr. Armitage, 3 l.

5388. £. 48 altogether?—Yes, in 13 weeks.

5389. Was that before you paid this man?—I got it before I did pay him.

5390. I ask you again, where did your wife get the money to pay this man?—My wife will stand up and tell you herself.

5391. But do you know where she got it from?—I do know that he was paid; but my business lies in the market; I was not at home.

5392. You say that you never spoke to William Handy?—Never in my life.

5393. Did Handy go to you at the "Black Bull"?—I have not been there many a year.

5394. Did he go to the "Bull's Head" and ask you for payment, and did you tell him to go and be paid by Mrs. Gibson?—I never did; I do not remember ever seeing Handy.

5395. Will you swear you did not say so?—Yes; there were hundreds there, but I do not remember them.

5396. Was Armitage paying at the "Bull's Head"?—No, I believe Mr. H. Illingworth was.

5397. You were there at the time that Mr. Illingworth was paying, were you not?—Yes, I was.

5398. Do you mean to say that Handy did not come and ask for payment, and that you did send him to your wife to be paid?—I never knew that he was engaged; he never came near me at all; I will swear that.

5399. How did you know the names of those men?—I did not know that they called him William Handy, till my wife told me; I had known by sight for years as a picture hawker.

5400. Did you know that he was engaged?—No.

5401. You never saw him working?—No.

5402. How did your wife know who was to be paid?—She set on many men during the riots to protect herself, shop, and property; I was not there at the time she engaged the men; but she did it.

5403. Those men whom you got 48 l. to pay, were they set on by you or by your wife?—The men that I set on I paid.

5404. Have you got a list of them?—You have it.

5405. And there I find the name of Handy?—I included it when my wife told me to do so.

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5406. When

J. Gibson.

29 January 1869.

J. Gibson.
29 January
1869.

5406. When did you write out the list, before or after the payment?—I believe I wrote it the last week or two after.

5407. How was your wife to know whom to pay?—My son put it down on a little bit of paper.

5408. Where is that bit of paper?—I do not know.

5409. Is this man, Gallagher, the captain of the non-electors?—Yes.

5410. Did you see him on the polling day?—I cannot say; there were so many hundreds and thousands.

5411. Were you at the "Washington" Hotel on that day?—Yes.

5412. Did you see Gallagher there?—I cannot say.

5413. Will you swear you did not?—I will not swear that I did not.

5414. Did you put Patrick Gallagher's name on the list?—I did; he was engaged by Mr. Poole, and I paid him.

5415. Do you remember Patrick Gallagher bringing up William Handy?—I do not.

5416. Will you swear that he did not bring

him up?—To the best of my recollection I never saw Handy.

5417. Will you swear that Patrick Gallagher did not bring William Handy up, and then that you, at that time, put William Handy's name down on the list?—I will.

5418. You swear that that did not take place?—Yes.

5419. When did you see that list last?—I do not know; it is many weeks since I have delivered it in.

5420. Did you hand it to Mr. Little?—No; to Mr. Mossman.

5421. The solicitor for the district?—Yes, he is one of them.

5422. Is the list here?—The list that was originally made; I took it and copied it, and I took the other back, and that has been lost.

5423. When did you see it last?—Weeks ago. I have tried to find it, but could not.

5424. Who has that copy of it?—Mr. Mossman or his clerks; they had the original list to copy.

5425. Did they return it to you?—They did; but I have lost it since.

[The Witness withdrew.]

Mrs. MARY ANN GIBSON, sworn; Examined by Mr. Price.

Mrs. M. A. Gibson.

5426. YOUR husband has stated that you put some men down on a list?—I have put many on.

5427. Why?—My husband was not at home, and I took as much upon me as he did upon the whole.

5428. Who are the men that you put down?—I cannot just tell the names, but I never put Handy's down.

5429. Did Gallagher bring Handy to you?—He did.

5430. When he brought him to you, did he say that he was not a voter?—Yes; he came in one Saturday afternoon my husband was in the market, and Gallagher said, "This man has been working for two days;" and our little boy said, "He is a Miall man;" and so I said, "Well, I cannot pay you;" but Gallagher said that he had worked very hard, and he had got into a deal of trouble with supporting Mr. Ripley for two days, his brother, and all of them. I said, "Are you a voter?" and he said, "I am not a voter." I said to Gallagher, "Is he a voter?" and he said, "You hear what the man says, he says he is not." I said, "If he has worked two days, and you say he is not a voter, I will pay him two days' wages." My husband was not in the house, but my little boy was, and Gallagher. I paid him with 10 s. He said he had worked two days, which he has acknowledged since, here I suppose.

5431. Your husband said that he put on some men as a body guard?—Yes.

5432. Tell me who it was, and what was the necessity for having that body guard?—I heard a gentleman named Mr. Leech say that as sure as Mr. Miall lost we should have a riot, and I set a good many on, and I paid the money to do it. I never put it down to anybody's account. They were not voters.

5433. You paid them out of your own pocket?—Yes, many.

5434. Was that done because you required protection?—Yes. On the Monday they came on like roaring lions when they thought that Mr. Miall and Forster had the show of hands.

5435. Was there a great disturbance in several parts of the town?—Yes, there was at our place.

5436. Was damage done?—Yes, a great deal of damage was done.

5437. Were you in terror yourself?—Yes; they pulled the shutters down, and pulled the meat on the floor.

5438. Were you in terror?—I kept my spirits up pretty well. I went out to them with a butcher's cleaver.

Cross-examined by Mr. Giffard.

5439. Did you pay the 10 s. in two sums, first 5 s., and then another 5 s.?—I never did; I gave him 10 s. on the Saturday forenoon out of the money that I took in the butcher's shop.

5440. When was it that this conversation took place between Gallagher and you about this man Handy?—On the Saturday forenoon.

5441. Was that after the election?—It was after the election.

5442. I think you stated that your son said that Handy was a Miall man?—Yes, he did. I can send for him.

5443. When he said that he was a Miall man, did you ask him whether it was true?—Of course they began to talk, and he said that he was not.

5444. Did you ask him whether it was true?—He said, "I am not; I got into ill-will enough over that"; that is, his brother and all his friends.

5445. Then you gave him 10 s.?—I said that if he had worked hard two days I would pay him.

5446. And you paid him from some list?—No, not at all; it was from my own pocket; and I told my husband that I had paid him.

5447. You paid him for two days' work?—Yes.

5448. Why was he returned as only paid for one day's work?—I paid him 10 s. for two days' work; if it is only one day, I am robbed out of one day with him.

5449. Did you take a note at the time of how many

many days' work you paid for?—My sen 'set set them down. I paid the man, but he never set that down.

5450. How much did you pay, do you suppose, altogether that you have not set down?—I cannot say; many five shillings; six or seven, perhaps.

5451. How came you to do that?—Because I took an interest in it.

Re-examined by Mr. Price.

5452. Is it true that when you paid Handy the money, that you gave him only 5 s., and he said, "Is that all?"—It is not true. I wanted to be called to refute the lie that has got into the papers.

5453. Is it true that your husband then said, "Give him 5 s. more?"—My husband was not in the house.

5454. Then it is not true?—No.

5455. Did your husband say, "I will put him down for two days?"—He was not in the house.

5456. Did you know or not as to these men that you took an interest in, that those were the persons who were employed as you believed?—Yes; many a one that I set down their names. I did not dare tell my husband all I had set down; I was afraid he would grumble at me.

5457. You paid money, and have never had any return of it?—Yes, many a one; but the witness told a falsehood in this box yesterday.

5458. Were those men voters that you paid this money to?—They were not voters; and Handy said, "I am not a voter." I said, "Gallagher, is he a voter?" and he said, "You have heard what the man says; he says that he is not a voter."

5459. And the others were not voters?—No; they were runabouts.

[The Witness withdrew.

Mr. GEORGE MOSSMAN, sworn; Examined by Mr. Littler.

5460. WHOSE handwriting are those accounts in (*handing the same to the Witness*)?—My clerk's.

5461. What were they copied from?—From a lot of papers, badly written papers, that Mr. Gibson sent to my office, or gave me.

5462. Can you tell me whether those are a correct copy of those papers; did you examine

them?—Yes, I did; some part of them is in my handwriting.

5463. You examined them with the original, and that is a correct copy?—Yes.

Mr. Giffard stated that he had no question to ask the witness.

[The Witness withdrew.

Mr. FRANK WILLIE, sworn; Examined by Mr. Price.

5464. Do you live in Bradford?—No, but I am employed in business here.

5465. Did you hear Petty's evidence, which was given yesterday, about a transaction said to have taken place between you and him at the "Horse and Jockey" Inn?—I did not hear it.

5466. Were you at the "Horse and Jockey" Inn on the nomination day?—No.

Mr. Giffard stated that he did not wish to interfere, but that this witness was not the person referred to by Petty.

5467. Mr. Price.] Is there any other person of your name in Bradford who is a woolstapler?—There is none in the trade of the same name. I heard remarks made as to that many hundreds of times yesterday by gentlemen in the afternoon, and it is particularly annoying to me.

5468. Mr. Baron Martin.] You did not offer to buy a cock?—I was not in the "Horse and Jockey," and I never saw the man there, and never offered to buy a cock.

5469. (To Mr. Petty.) Is this the man you spoke of yesterday?—No, that is not the man.

5470. How do you know that the man you spoke of was called Willie?—The landlord called him Mr. Willie when I was in the house. I did

not know the man at all. I asked the landlord after who he was, and he said he was Mr. Willie, from Birkenshaw, a top-maker.

5471. What was the name of the house?—The "Horse and Jockey."

5472. Mr. Price (to the Witness).] Are you a woolstapler?—Yes; but I was never in the "Horse and Jockey" in my life.

Cross-examined by Mr. Giffard.

5473. Have you any brothers?—Yes, several; five.

Re-examined by Mr. Price.

5474. Do they live in Bradford?—Yes.

5475. What are their names?—Charles and John, Henry—

5476. What trade are they in?—They are woolstaplers.

5477. Are they within reach?—Yes, they are; but I can answer for them that they were never in the "Horse and Jockey." It is very unpleasant for any of us to be mentioned in the manner that my name has been mentioned.

[The Witness withdrew.

Mr. FREDERICK WILLIAM GRANHAN, sworn; Examined by Mr. Price.

5478. You are Chief Constable of Bradford?—Yes.

5479. Previous to the last election, did the magistrates think it necessary to swear in special

constables?—Yes, by my advice. I was apprehensive that there might be a disturbance, as party feeling seemed to run rather high.

5480. In what districts was that so?—There seemed

Mrs. M. A. Gibson.

29 January 1869.

Mr. G. Mossman.

Mr. F. Willie.

Mr. F. W. Granhan.

Mr. F. W.
Granham.

29 January
1869.

seemed to be a general feeling all over the borough, but more especially in some districts.

5481. Were those districts where the Irish voters resided?—There was a great deal of it there.

5482. Mr. Baron *Martin*.] You thought it was necessary for the peace of the town to have a larger force?—Yes, to prevent a breach of the peace.

5483. Mr. *Price*.] Was it necessary that there should be an additional force?—I did think that that was necessary.

5484. There were riots in several parts of the town, I believe?—Yes; there were several disturbances amongst the Irishmen; breaking one another's committee-rooms.

5485. I believe that you were insulted, were you not?—Yes; I was knocked down.

5486. And was one of the special constables nearly killed?—One was in danger for some time.

5487. What district was that in?—In Sils-bridge-lane.

5488. That was at the largest ward?—Yes.

5489. Is that where the public-houses are within ten or a dozen yards from each other?—There are many of them in that district; beer-houses as well.

5490. During the months of October and November, and at the election, was there a greater amount of drunkenness in this town, so

far as the returns are made out, than there was in the previous months?—I was asked for that return yesterday, and my clerk made it out, and I can vouch for it myself. I have been engaged here.

5491. What was your own experience in going through the town; was it what you might have expected at the time of an election, in the months of September, October, and November, as compared with what it was in the previous year?—If you like to take my evidence from the return, I have seen it. I have not made it out, but my clerk did. For the months of October and November you will find that there is a difference of about ten in November 1868. The number brought before the magistrates by summonses and warrants were 23 in that month.

The following Comparative Return of "Drunk and Disorderly Cases" was handed in:—

"1867. October, 24—November, 12.

1868. October, 20—November, 23."

* [The Witness withdrew.

Mr. *Price* was heard for the respondent.

Mr. *Giffard* rose to reply, and having complained of some observations made by Mr. *Price*, his Lordship intimated that he would not trouble him any further.

Friday, 29th January 1869.

SAMUEL STOREY and THOMAS GARNETT - - - - Petitioners.

WILLIAM EDWARD FORSTER - - - - Respondent.

Mr. Price, Q.C., and Mr. Waddy appeared as Counsel for the Petitioners.

Mr. Serjeant Ballantine, Q.C., Mr. Serjeant Sargood, Q.C., and Mr. Pope appeared as Counsel for the Respondent. 29 January 1869.

Mr. Price was heard to open the case on behalf of the Petitioners.

THOMAS POOLE, sworn; Examined by Mr. Waddy.

5492. Do you live at 79, Hall-lane, Bowling?
—Yes.

5493. Were you formerly a policeman in the Bradford Police Force?—I was.

5494. Have you an uncle of the name of George Poole?—Yes.

5495. Was he a candidate for the last municipal election?—He was.

5496. Your uncle, I believe, was a supporter of Mr. Ripley?—He was.

5497. Did you take a part, both in the municipal election and in the Parliamentary election afterwards?—I did.

5498. You were a partisan of Mr. Ripley, I believe?—Yes.

5499. On the polling day, were you stationed as a clerk at No. 1 Booth for the West Ward, on the part of Mr. Ripley?—I was, as a detective, to detect personation at No. 1 Poll Booth of the West Ward.

5500. Before that, between the latter end of October and the polling day, which, I believe, was on the 17th of November, between those days did you visit several beerhouses in the West Ward where committees were held?—I did.

5501. We will begin with the “Labourers’ Arms”; is that a public-house kept by Michael Brannan?—It is a beerhouse.

5502. Was it a Forster and Miall house?—It was, up to the week previous to the election.

5503. Were there Forster and Miall’s bills in the window, and a committee sitting upstairs?—Yes.

5504. Did you go, towards the latter end of October, into that room?—I did, both upstairs and down.

5505. What did you see going into that room?—I seed different parties, voters and non-voters and all, going in.

5506. I do not know whether you can fix the day exactly?—I cannot fix the day exactly; it was in the last week of October.

5507. You say that voters and non-voters were going in; was there any check upon the persons that went in and out?—There was no check kept upon the persons that went in and out.

5508. Did you see any beer at all going into the room?—I did.

28.

5509. Just tell my Lord what you saw in that way?—I saw two half-gallons of beer in the room.

5510. In pitchers, or what?—In pitchers, and two man held each a half-gallon, totting it round to the company in the room.

5511. Pouring it into tot glasses?—Yes; they calls it buttling.

5512. Did you see the landlord there?—I did.

5513. Was that all the beer that you saw, the two half-gallon jugs?—No; I called for a glass of beer myself; I went to question him about some business, and he brought me a glass of beer, and I offered him the price of the beer, but he said, “Oh, no, it is all paid for.”

5514. Who said that?—Michael Brannan, the landlord of the “Labourers’ Arms.”

5515. Did you see any more beer brought in at that time except the two half-gallons you have told us of?—Yes, I did; several half-gallons were brought in.

5516. Did the company round the room pay for their beer when they got it?—No, they did not.

5517. Did you see anybody pay?—I seed one man pay.

5518. Did you see anybody pay but that one man?—No.

5519. Did you know him; had you ever seen him before?—I had not seen that person before; and then the next person I seed pay was a man of the name of Dracup, a clogger in Silsbridge-lane.

5520. Do you know whether Dracup took any part at all in the election?—He took a very active part in the election, both the municipal election and the borough election.

5521. On which side was he in the Parliamentary election?—He was upon the Miall and Forster side.

5522. In what way did he take an active part?—By going round and axing people to vote; treating them.

5523. Mr. Baron Martin.] Was this before the municipal election?—This was before the municipal election and after the municipal election.

5524. Mr. Waddy.] The last week in October?—Yes.

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5525. You

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T. Poole.
29 January
1869.

5525. You said you saw this Dracup pay money; what was it he paid?—He paid 5s.

5526. Did he pay 5s., or did he pay a sovereign and get change, or a half-sovereign, or what?—He paid 5s. the first time, and the second time he paid a sovereign, and they had to send out to get change; they had not change in the house, and a little girl went out and got change, and brought it in, and they says, "Oh, no, never mind; let it all come in."

5527. Did he say that, or somebody else?—A gentleman of them said it; there was two of them said it; both parties said it, "Never mind, let it all come in."

5528. At the time that this gentleman, or both of them, said "Let it all come in," did you hear anything said about Forster and Miall?—Yes; he said, "You will all drink to Forster and Miall, and you will all vote for Forster and Miall."

5529. At this time, while you were having this beer yourself, and whilst this was going on, what was going on in the room; was it a public meeting, or were people simply sitting and drinking?—It was a public meeting.

5530. Were there books and papers on the table?—There was.

5531. Did you happen to observe who was sitting at the head of the table?—Yes.

5532. Who was it; do you know?—Dracup.

5533. Did anybody make a speech that night?—Not while I was in; I went out just as the speech was commencing.

5534. How do you know that the speech was just commencing; did you see anybody get up to speak?—They got on to their feet before I left the room.

5535. Who did?—A gentleman; I do not know who it was.

5536. Did you hear anything that was said?—He commenced, in opening the speech, by drinking the health of Forster and Miall, and hoped that they would all vote for Forster and Miall.

5537. Did that gentleman take his hat off, or do anything?—He took his hat off and waved it, and gave three cheers for Forster and Miall.

5538. Do you remember anything being said about showing hands?—He says, when he took his hat off, after the three cheers, he hoped they would all be there on the nomination day, and he said, "Hold both hands up when you get there, it will make it look like four;" this was the gentleman that I have not the pleasure of knowing his name.

5539. Where was this?—It was in the "Labourers' Arms."

5540. About how many people were there present at this time?—Between 30 and 40 people.

5541. As far as you could see, was the drinking confined to one or two, or was it general in the room?—It was general in the room, going round the room.

5542. Did you go after that, the same night, to the "Three Horseshoes"?—I did.

5543. In White Abbey-road?—I did.

5544. Was that in the last week in October?—Yes.

5545. What ward is that in?—That is in the West Ward.

5546. The same ward as the other you have been talking of?—Yes, the same ward as the other.

5547. Was that a Forster and Miall house, or a Ripley house?—A Forster and Miall house.

5548. Just tell us exactly what you saw there

when you got there?—I seed beer going round there also; there was two gentlemen there that I did not know, and there was another gentleman there that I did.

5549. Did you see, in the "Three Horseshoes," either of the gentlemen that you had seen before at the other place that you told us of?—I did.

5550. Who was it?—He is a dark looking man; I do not know his name.

5551. Not Dracup?—No, it is not Dracup.

5552. While you were at this second place, did you see many persons, or only one or two persons drinking?—Many persons; upwards of 20 persons.

5553. How many of them were drinking?—They was all drinking.

5554. Can you tell me whether the "Three Horseshoes" has changed its name at all?—I believe it has changed its name to the "Shamrock" now.

5555. The "Rose and Shamrock," is it not?—It might be; I heard it had changed its name, but I have not been there since that time.

5556. When you were at this "Three Horseshoes" or "Shamrock," whichever you call it, was there any speechifying going on there?—There was a committee sitting there, and they expected a meeting being held there that night; they were saying, when I was in the place, that they expected a meeting being held there, and Lockwood Stephenson, the butcher, came into the room while I was there.

5557. Do you know whether Lockwood Stephenson took any part at all in the election for Miall and Forster?—He took an active part in both elections.

5558. Both the municipal and the other?—Yes, both the municipal and the borough.

5559. Did you see anybody pay for the liquor at the "Three Horseshoes"?—No, I did not.

5560. I do not know whether you got your glassfull there as well?—I got a glass there.

5561. Did you pay for it?—No, I did not.

5562. Was there any check at the "Three Horseshoes" on people going into or coming out of the room?—No, they could go in and get a glass of beer as they liked; it was there for them to drink.

5563. Were you asked any questions when you went in?—No, I was not.

5564. From that place did you go to the "Gladstone Arms"?—I did; I went to all the beershops round there.

5565. About how much did you see brought into that second place, the "Three Horseshoes"?—There was two half-gallons while I was there, and as I was coming out of the room they were just bringing in another two.

5566. In pitchers, or cans, or how?—In pitchers.

5567. And did you see, when it was brought into the room, who poured it out?—There was two men poured it out; one took hold of one pitcher, and another of another.

5568. And they poured it round to the company in the room?—Yes.

5569. You told us you went into the "Gladstone Arms"; was that a Forster and Miall house?—It was a Forster and Miall house.

5570. That is in Brick-lane, I believe?—Yes, in Brick-lane.

5571. Did you know any of the people that were there drinking, either by sight or by name?—I knew many of them by sight.

5572. At

5572. At both houses?—At all the houses that I visited.

5573. First of all, with regard to those which you have spoken of already, were the people that were drinking there voters or not?—Both voters and non-voters; there was both.

5574. Was there any check upon people going in and out of the “Gladstone Arms”?—No, none in the least.

5575. Was there a Forster and Miall committee there?—There was.

5576. How far was this “Gladstone Arms” from the “Three Horseshoes” which you had just left?—I should say a distance of 200 yards, or perhaps from 200 to 250 yards; I cannot exactly say to 20 yards.

5577. And how far was the “Three Horseshoes” from the first place that you went to?—A quarter of a mile.

5578. When you got into the “Gladstone Arms,” just tell us exactly what you saw going on there?—I seed drinking going on there.

5579. In the committee-room or elsewhere?—In the committee room; and there was drinking going on both upstairs and down in the “Gladstone Arms,” and no one paying for it that I could see.

5580. How much beer did you see in the committee-room at the “Gladstone Arms”?—Two and a half gallons at one end of the room, and half a gallon on the other end of the room.

5581. Were there any books or papers on the table?—There was books and papers on the table at the further end of the room.

5582. Did any conversation take place about Forster and Miall while you were present?—They was talking very strongly about Forster and Miall, and wishing all would vote for Forster and Miall and seek voters up. The municipal election was very little talked about.

5583. Did you see whether there were any placards up on the walls or any spread on the table?—There was placards both on the walls, in the windows, and outside the door on a board.

5584. Placards for the municipal election, or for the Parliamentary election, or both?—For the Parliamentary election.

5585. Forster and Miall’s?—Forster and Miall’s committee-room.

5586. In this place which you have told us of, will you tell us of your own knowledge whether there were voters or non-voters, or both?—There was both.

5587. And did you see both of those classes, both voters and non-voters drinking?—I did.

5588. And did you see anybody in the “Gladstone Arms” who had liquor at all?—No, it was beer.

5589. About how long were you in the “Gladstone Arms”?—From 10 minutes to a quarter of an hour.

5590. And about how long had you been in the other places, each of them?—About the same time; I did not stay long in a house.

5591. Did you have anything to drink in the “Gladstone Arms” yourself?—I did.

5592. Did you pay for anything there?—I was offering to pay, but they would not take the pay.

5593. Who did you offer it to?—I offered it to the landlord.

5594. What was his name?—I believe they

call him Robinson; I believe Robinson is his name.

5595. Where did you offer it; in the room downstairs?—In the room where I was.

5596. Did you see any of the persons, who were in the room at either of those places that you have told us of, go away while you were there?—I did.

5597. Are you in a position to say whether those who went away paid or went away without paying?—I am not in a position to say that.

5598. You did not see them pay, at all events?—No.

5599. I should have asked you this; in addition to the beer that was used, was there anything besides beer being consumed?—At the “Gladstone Arms” there was cheese and bread, and there was beefsteaks on the table for anyone to help themselves to.

5600. The night following that, did you go to any of those houses?—I did.

5601. To which?—I went to three or four of them; I went to the “Gladstone Arms” for one, the “Labourers’ Arms” for another, and the “Three Horseshoes” I went to the other.

5602. That is the same three you have told us already?—The same three that I have told you of before.

5603. Did you go the same night you have been telling us of to any other besides those three?—I went to several houses that night, and I was passing through the houses till 11 o’clock.

5604. Going regularly round till 11?—Yes, going regularly round till 11.

5605. Just tell me the next house you went to?—I went to the “Wild Boar,” in Brick-lane, the next house.

5606. Did you go to any other Forster and Miall houses that night?—I went to the “Cross Keys,” and the bottom of Clayton-street, Thornton-road.

5607. When you got to the “Cross Keys,” was there a committee-room of Forster and Miall’s there?—There was beer going off.

5608. Was a committee room of Forster and Miall’s there?—A committee-room of Forster and Miall’s was held there.

5609. And bills in the window?—Yes, bills in the window, and outside the door as well.

5610. Was there beer going on or going off in the committee-room?—Half a gallon of beer was going round the room to the company.

5611. Did you get any of it?—I got a tot of beer out of it.

5612. Did you offer to pay for it?—No, I did not.

5613. Were you asked to pay for it?—I was not.

5614. Do you know who did pay for it?—No, I do not know who did pay for it.

5615. Was there any check upon people going into the room or out of it?—There was not.

5616. Did you see both voters and non-voters in the room?—I did.

5617. Did you go round on other nights in the same way?—I did.

5618. I will not take you through every night, but did you ever go, after the municipal election and before the Parliamentary election, to any of those houses?—I did.

5619. Just tell us any one night, after the municipal election mind, and before the Parliamentary, when you went round to pay any of those

T. Poole.

29 January
1869.

T. Poole.

29 January
1869.

those houses?—The 6th day of November, I went round again.

5620. On that occasion what was the first house that you went to?—To Michael Brannan's, in Longcroft-place, the "Labourers' Arms."

5621. What time in the evening was it about, when you went there?—About a quarter past eight it would be when I got there.

5622. How long did you stay there?—I stayed from a quarter of an hour to 20 minutes there that night.

5623. Did you on that occasion see any refreshments in the room?—I did.

5624. Refreshments of what kind?—Cheese, and bread and beer.

5625. How many people were present?—Between 30 and 40 people; the room was full upstairs; it was a large room.

5626. Just tell us what was going on; was anything said about the election that night?—Yes, there was; they were proposing some men to go round to visit the Irish people in Vincent-street, Longcroft-place, Grenaire-place, Silsbridge-lane, to press upon them to vote for Forster and Miall.

5627. Can you tell us who was in the chair that night?—Dracup, the clogger.

5628. Is this near Silsbridge-lane?—Yes; it is a street leading off Silsbridge-lane.

5629. There are a good many Irish people there, I believe?—A good many round about that neighbourhood.

5630. When you were there that night, when they were proposing to those people as you say, was there any beer going on then?—There was.

5631. How much did you see brought into the room that night?—Several half-gallons there was brought in.

5632. At that time did you see whether the beer was ordered by the people who were in the room separately, or whether it came in apparently without being ordered?—It was ordered by a man whom I do not know his name; I know the gentleman myself; I had only seen him once or twice before that in the same houses, and he paid a sovereign for the beer, and he would not take back the change. He said, "Oh, no, never mind," he says, "Let it all come in;" he said, "They will vote for Forster and Miall; they are all Forster and Miall's friends."

5633. I think you said that you had seen him once before that?—Yes, I saw him once before that.

5634. Where was it that you saw him before?—I saw him at the same house before that.

5635. That night did you see anybody else pay but this one gentleman?—I did not; no one else.

5636. Have you ever seen that gentleman since?—I have seen him once or twice since.

5637. In whose company have you seen him?—I have seen him in Mr. Kell's company.

5638. Which Mr. Kell?—Alderman Kell, the magistrate.

5639. Mr. Robert Kell, is it not?—Yes, Mr. Robert Kell.

5640. What was Mr. Kell with regard to Forster's and Miall's matter, do you know?—He took a very active part in it; escorted Forster and Miall up and down, and went to meetings with them.

5641. Do you remember what Mr. Kell did at

the hustings?—No, I was not up at the hustings.

5642. On that occasion did you get some of the beer yourself?—I got some.

Mr. Serjeant *Ballantine.*] Mr. Alderman Kell was our vice-chairman. My learned friend need not trouble himself about him; he was a most important supporter.

5643. Mr. *Waddy.*] On that occasion did you get any of the beer?—I did.

5644. Did you pay for it yourself?—I did not.

5645. Were you asked to do so?—I was not.

5646. Do you know whether the men in the room at that time were both voters and non-voters?—There was both. Several voters whom I seed come and vote at the polling day.

5647. You told us, I believe, that you were inspecting clerk on the polling day, and you saw come to the poll some of those people whom you had seen in that committee-room?—Yes, I did; they came to the booth where I was checking of them, and to other booths also.

5648. Also people whom you had seen drinking?—Yes.

5649. Do you remember the Saturday week before the election; you had a communication, I believe, from Michael Brannan; you must not tell us what he said?—I had.

5650. Before that had you seen a Mr. Mahoney ever there?—I had.

5651. Where?—In several houses I had seen him.

5652. In that neighbourhood?—In that neighbourhood, and other neighbourhoods, too.

5653. Mr. Michael Mahoney?—Michael Mahoney.

5654. He is a woolstapler in Bradford, I believe?—I believe he is.

5655. Do you know whether he took an active part in the election on behalf of Forster and Miall?—He did, as far as I am aware; as far as my knowledge.

5656. Had you ever seen him in those public houses which you have spoken of?—Yes, I have.

Mr. Serjeant *Ballantine.*] Mr. Michael Mahoney seconded Mr. Forster, and he was no doubt a very important and influential person in connection with Mr. Forster's cause.

5657. Mr. *Waddy.*] Had you ever seen Mr. Michael Mahoney paying for beer?—I had seen him pay for beer, and I had seen him order beer; at least I have heard him order beer.

5658. Had you ever seen that since the municipal election?—Yes, I had.

5659. Tell us the first time?—The first was in November.

5660. After the municipal election?—Yes, after the municipal election. The municipal election was on the 2nd day of November, on the Monday, and this was after the Monday.

5661. Where?—At Michael Brannan's.

5662. At the same place that you have told us of before?—Yes, the same place I have told you of before.

5663. About what time of the night would that be?—Between eight and nine o'clock.

5664. Do you remember how much he paid?—I cannot exactly say now what it was he paid, but it was gold that he paid, and he would not take the change back.

5665. At

5665. At the time, was anything said as to what this gold was being paid for?—To drink the health of Forster and Miall; and he wished them at the nomination day to get down to the field.

5666. With the beer that was paid for?—Yes, with the beer that was paid for.

5667. Have you ever, at any other time, seen Mr. Mahoney paying for liquor at those public-houses?—No.

5668. Only on that one occasion?—Only on that one occasion.

5669. Do you know the "Robin Hood"?—There is two "Robin Hoods."

5670. The "Robin Hood" beerhouse in the Silsbridge-lane?—Yes.

5671. Who is the landlord of it?—I forget the man's name, but he is set yonder in the gallery I see.

5672. Is it Robert Hanley?—Yes.

5673. Were you ever in that house before the Parliamentary election, and after the municipal election?—I was in one night, and I was in before the municipal election.

5674. At the time you were in there before the municipal election, were there any of Forster and Miall's bills up?—Yes, there was.

5675. In the room?—Yes, there was.

5676. And on the table?—Yes, there was.

5677. Did you hear anything said about Forster and Miall then?—They was praising Forster and Miall, and wishing them all to go and vote for Forster and Miall.

5678. At the time you were there?—Yes, at the time I was there; and the landlord said himself that if his vote would save Ripley, he would not give it.

5679. At that time did you see there any gentleman whom you have mentioned to-day?—Yes.

5680. Who?—I have seen Dracup, the clogger, there; Robert Hird, a shopkeeper in Silsbridge-lane.

5681. Was Robert Hird a Forster and Miall man?—He was.

5682. What was Dracup doing when you were there?—They was looking over those books and papers.

5683. And writing?—Yes.

5684. Did you happen to observe whether they had got the Parliamentary Register?—Yes, they had got the Parliamentary Register.

5685. Were they referring to it?—Yes, they was referring to it.

5686. This was just before the municipal election, as I understand you?—Yes, it was.

5687. At the time they were doing this, how many people were present?—I cannot exactly say; the room was crowded; I should say it would hold from 20 to 30 people.

5688. At that time did you know any of the people there; whether they were voters or not?—Yes, I knew many of them.

5689. Did you see whether any liquor was brought in there that night?—There was drink brought in; it was only a beerhouse.

5690. You saw beer brought in?—Yes.

5691. Did you see whether it was given to the company all round, or whether it belonged to certain persons?—It was given to the company all round; there was nobody barred from it.

5692. Did you have some?—No, I did not.

5693. Did you see anybody pay for it?—I did not.

5694. Did you see Mr. Drucup pay for any

that night?—I had seen Mr. Dracup pay at several times.

5695. That night did you?—I did that night.

5696. How much did you see him pay, as far as you remember?—I cannot exactly say how much it was, but it was silver; I believe it was 5 s.

5697. I believe that Mr. Dracup said something about your being a Ripleyite, did he not?—He did.

5698. Then there was a disturbance?—Yes, then there was a disturbance, and I had to get out of the room.

5699. You bolted?—Yes, I did; and glad to get away from such a lot as there was there.

5700. This was before the municipal election; did you ever go to the same place, the "Robin Hood," after the municipal election, and before the Parliamentary election?—I looked in one night, but I did not stay.

5701. Is there a beerhouse somewhere there called the "Shamrock"?—Yes, there is.

5702. That is not the same as the one you have already spoken of, "The Three Horse Shoes"?—No.

5703. That is in the same ward?—Yes, in the same ward, the West Ward; it is in Silsbridge-lane.

5704. How far from the nearest of the public-houses that you have told us of already?—From 20 to 30 yards.

5705. Which is the nearest to it?—The "Robin Hood" is nearest to it; the "Robin Hood" is one side the road, and the "Shamrock" is the other; the street, I suppose, is only about 10 yards wide.

5706. Are they just opposite each other?—The same as this; one is there, and the other is here (*describing the same*).

5707. Were both of them Forster and Miall houses?—Yes, both of them; but the "Shamrock" turned over to Mr. Ripley the week previous to the election.

5708. At the time that you went to the "Shamrock," was it a Forster and Miall house?—It was.

5709. At the same time that it was a Forster and Miall house, was the other one that you have told us about, the "Robin Hood," also a Forster and Miall house?—It was.

5710. Was there any other Forster and Miall house near there in Silsbridge-lane?—There was.

5711. How many Forster and Miall houses were there in the Silsbridge-lane?—There were seven in Silsbridge-lane, one in Pool-alley, two in Longcross-place, and two in Vincent-street.

5712. What is the outside of all that circle?—I should say the most would be 400 yards from one to the other; that is, taking the farthest house and the nearest, from one house to the first house in Vincent-street, it would not be more than two yards.

5713. They are all within 400 yards?—Yes, they are all within 400 yards.

5714. Do you mean to say that all those seven houses were on at one time, or were they sometimes one on and sometimes another for Forster and Miall?—They was all Forster and Miall houses when I went round, except Michael Brannan's and Michael May's; that is the "Shamrock" and the "Labourers' Arms;" they turned over the week previous to the election.

5715. Before that time, whilst the "Shamrock"

T. Poole.

29 January
1869.

T. Poole.
 29 January
 1869.

and the other, Michael Brannan's and Michael May's were Forster and Miall houses, were all the others Forster and Miall houses too at that time?—They was.

5716. It is the great centre for the Irish people, all about there, I believe?—Yes, it is the most notified place for them. The greatest part of them lives in that neighbourhood.

5717. Do you know who was Forster and Miall's chairman for that ward?—I do not, I am sure.

5718. Do you remember going to this "Shamrock" on the 6th of November?—I do.

5719. Did you see at the "Shamrock" any person whom you have mentioned to-day?—I did.

5720. Who was it?—I see'd Dracup there and Robert Hird; I seed both of them there.

5721. And what was Dracup doing when you got in?—He was speaking, making a speech to the people that was inside; there were both voters and non-voters in; the biggest part of them was voters that was in that night.

5722. While he was making his speech, did you see whether there was another man employed there in a different way?—There was.

5723. What was he doing?—He was employed; he went round with beer to the company that was in with a half-gallon jug in his hand.

5724. And did you see whether it was poured out to all the company indiscriminately?—It was poured round to the whole company; in fact I got a glass of it myself.

5725. Did you see whether anybody that night paid for beer?—Dracup paid.

5726. Did anybody else pay besides Dracup?—I did not see anyone else.

5727. Did you pay?—I did not.

5728. Did you see about how much Dracup paid?—I did not.

5729. Was there a man there of the name of Duffey?—There was.

5730. He was a glazier, I believe?—Yes.

5731. Do you know whether he was a Forster and Miall man or a Ripley man?—He was a Forster and Miall man.

5732. How do you know that?—By talking to him.

5733. Have you seen him at meetings?—I have.

5734. Did you also see a man called Noonan there, an oyster hawker?—Yes.

5735. Was he a Forster and Miall man?—He was.

5736. Did you see any gentleman there talking to Dracup whom you had seen at the "Labourers' Arms"?—Yes.

5737. Was that the person whom you have already mentioned to us before?—It is.

5738. Whose name you do not know?—Yes, it is.

5739. But whom you have seen with Mr. Kell?—I have.

5740. Did you see Mr. Dracup and this gentleman going about from his house?—They were going about from house to house in the West Ward.

5741. When you say from "house to house," do you mean private houses or public-houses?—From public-house to public-house belonging to Forster and Miall.

5742. From committee-room to committee-room?—Yes.

5743. Did you ever see Mr. Michael Mahoney at that house?—No, not that I am aware.

5744. Is there a place there called the "Plasterers' Arms"?—Yes.

5745. Is that another of the seven that you have mentioned?—It is another of the seven that I have mentioned.

5746. Do you remember going there before the municipal election?—I do.

5747. Was there a committee going on there at that time?—Yes, there was.

5748. For Forster and Miall?—Yes.

5749. Did you see Dracup there?—I did.

5750. When he was there, about how many persons should you think were present in the committee-room?—There would be upwards of 30 persons.

5751. Were they voters and non-voters?—They was; but more of them voters nor non-voters.

5752. Did you see any beer consumed there?—I did.

5753. And any other refreshments besides the beer?—Yes.

5754. What?—There was cheese and bread, and there was beef and bread.

5755. Who paid for it; did you see anybody pay?—No.

5756. Did you get anything to eat or drink?—I got something to drink; I got a glass of beer.

5757. Did you pay for it?—I did not.

5758. Did you offer to pay for it?—I did.

5759. Was the payment refused?—It was.

5760. To whom did you offer it?—To a woman; I do not know whether she was the landlady or not.

5761. Had she brought the beer in?—Yes.

5762. What did she say at the time?—She said it was paid for. She said, "You need not to pay, sir, there is plenty of beer going round."

5763. On that occasion did you see Dracup give the landlord something?—I did.

5764. And when Dracup gave the landlord something, what did he say at the same time?—He made a remark about my being in the room, and all.

5765. Was anything said at the time he gave the landlord something, about what he was giving him, or what it was for?—He said it was for the beer that came in, and he was to let the remainder come in.

5766. I believe Dracup found you out?—He did.

5767. Then you went away?—I did.

5768. On the week following did you go to the same place, the "Plasterers' Arms," on the Wednesday night?—I did.

5769. Was there a person called Lancaster there?—There was.

5770. What is he?—He is a shopkeeper in the Silsbridge-lane.

5771. Do you know whether he was a Forster and Miall man or a Ripley man?—A Forster and Miall man.

5772. Had you seen him canvassing?—I had seen him going about.

5773. Was Dracup there?—He was.

5774. About how many people were there there on that occasion?—There would be upwards of 30 persons that night.

5775. On that night were there any refreshments in the room?—There was.

5776. Of what kind?—There was beer and cheese and bread in the room.

5777. Mr. Baron *Martin*.] If I understand you,

you, what took place was this: the beer was given round to everyone that was there, but it was paid for by a man in the room?—By one man.

5778. There was not an account kept of it?—No, there was not an account kept of it at that time.

5779. Mr. Waddy.] Was the payment always made by Dracup?—No, it was not always made by Dracup.

5780. Sometimes by Dracup?—Sometimes by Dracup, and by one, and by another; Lancaster has made payments, and Hird has made payments, and this gentleman that I have seen with Mr. Kell; I had seen him pay and all; and I have been into houses where they have kept a memorandum of it, and they have chalked it down.

5781. Where have you seen it, where there has been a memorandum kept of it?—I have seen it at Michael Brannan's; I have seen it at the "Robin Hood," and I have seen it at the "Brown Cow," Silsbridge-lane.

5782. We have not got to the "Brown Cow" yet; but just take Michael Brannan; have you seen beer consumed in the way that you have told us, and an account has been kept?—I have seen half-gallons going round the room, and they have a bit of chalk and they have chalked it down on a door, a cupboard door.

5783. When have you seen it chalked down?—I have seen it both before the municipal election, and since the municipal election; this was the week following the municipal election.

5784. Was it in Forster and Miall's committee-room?—It was.

5785. The same room that you have told us of before?—Yes.

5786. At the time you have seen it chalked down in that way, who drank the beer of which the account was kept in the way you have told us?—The company round drank the beer, both voters and non-voters.

5787. And do you know on any of those occasions, who ordered the beer that was so chalked up?—There was two or three parties ordered the beer; they said "Let the beer come in, they must have something to drink;" Dracup was one; he ordered the beer.

5788. What was going on in the room at the time this was being carried on?—They was talking about Miall and Forster and about the election and the show of hands.

5789. Have you ever seen the same thing take place at any other public-house where it has been chalked down?—Yes, I have.

5790. Just tell us another; has it taken place at any of those which you have mentioned to us already?—No; at the "Brown Cow;" it took place there.

5791. The "Brown Cow" is in the Silsbridge-lane, and it is kept by a man called Pat Haran?—Yes.

5792. Was it a Forster and Miall's committee-room?—Yes, it was.

5793. Had they bills in the window in the way you have described?—Yes.

5794. On what occasion have you ever been there and seen beer drunk and then chalked up?—The week previous to the municipal election on the Monday night, I did.

5795. Have you ever seen it since the municipal election?—I have not.

5796. With regard to this before the municipal election, was this room marked Forster and Miall,

or for the municipal election only?—It was marked Forster and Miall; there was bills in the window, Forster and Miall's committee-room.

5797. At the time that the beer was being drunk, what was the subject of conversation?—All the talk was about Forster and Miall.

5798. Did you see at that time whether in that room there was one of the municipal registers?—I did not see one there.

5799. Who did you see in the room at that time?—I cannot recollect the name; there was a deal in the room that I knew; I knew nearly everyone of them, but I did not know them by name.

5800. Did you see Dracup there?—I have seen Dracup there for one, and I have seen Lancaster there.

5801. Did you ever see any other of those gentlemen whom you have mentioned?—I have seen Robert Hird there; and there is many others that I have seen there that I cannot recollect the names of.

5802. What were they doing while they were there, and while the beer was going round?—They was a talking and writing; some of them was writing and some of them was looking over some books, some small canvass books.

5803. Did you hear them talk about how the canvass going on?—I did not.

5804. Did you hear at this time when the beer was chalked up who ordered the beer then?—I believe it was Lancaster that ordered the beer; but I will not be certain.

5805. Do you know who paid for it?—There was no one paid for it, because it was chalked up.

5806. Do you know who drank it?—The company drank it round.

5807. Did you get some?—I did.

5808. Can you say whether there were both voters and non-voters there?—There was.

5809. Do you know a person called Robert Shaw?—I do know him.

5810. There are two, are there not?—Yes; there are two brothers of them.

5811. Luther Robert Shaw and Calvin Robert Shaw?—Yes.

5812. Did you ever see Luther Robert Shaw or Calvin Robert Shaw at any of those houses?—Yes, I have seen them; but I cannot exactly swear which of them it was, because they are so much alike you can scarcely tell one from the other.

5813. I believe they are twins, and they are very much like each other?—They are.

5814. However, you have seen one of those gentlemen, but you cannot swear which it was?—I cannot.

5815. On more occasions than one?—Yes, I have.

5816. At which of the public-houses?—Different public-houses, both in the Silsbridge-lane and other places besides; White Abbey for instance.

5817. Did those two gentlemen take any part in the election of Forster and Miall?—They took a part so far as this, of treating.

5818. Did you see them on the hustings?—They were Forster and Miall's party and took an active part.

5819. Tell me what it is you have seen them doing in public-houses with regard to any beer?—I have seen them paying for beer.

5820. When?—Before the municipal election

T. Poole.

29 January
1869.

T. Poole.
29 January
1869.

and the week after the municipal election; at least the week during the municipal election; the first week in November.

5821. Do you know a person called Lockwood Stephenson?—I do.

5822. What is Mr. Lockwood Stephenson?—He is a butcher.

5823. Did he take any part in the election?—He did.

5824. Which side was he?—He was for Forster and Miall.

5825. Was he an active man?—He was.

5826. Do you know a person called Alfred Illingworth?—Yes.

5827. Is he Member for Knaresborough?—He is Member for Knaresborough now.

5828. Was he a strong partizan of Messrs. Forster and Miall?—He was, and at the municipal election also.

5829. Have you ever seen Lockwood Stephenson at any of those houses?—I have.

5830. While the drinking has been going on, or not?—Yes.

5831. Have you ever seen him pay?—I have heard Lockwood Stephenson order beer.

5832. What has become of the beer when it has come in?—It has been drunk in the company.

5833. In the committee-rooms?—In the committee-rooms; he says, "Let them have plenty of beer; let them go on with beer."

5834. Who were the company that were to have the beer?—They were both voters and non-voters in the committee-room, the committee and all; they was all there; the room was full.

5835. Have you ever seen Mr. Alfred Illingworth at the "Gladstone Arms"?—I have seen him there.

5836. Was there a committee going on at the time?—There was.

5837. Did you ever hear him give the landlord any orders?—Not that I am aware of.

5838. Did you ever hear him say anything to the landlord?—I heard him say to the landlord, "Let them have some beer," just as he was going out of the room.

5839. I believe that you did not see him pay for anything?—I did not.

5840. When about would that be, before or after the municipal election?—It was before the borough election.

5841. But was it before or after the municipal election?—It was the week during the municipal election; the first week in November.

5842. Was it after the day of the municipal election?—Yes, after the day of the municipal election and before the Parliamentary election; the municipal election was on the 2nd, on the Monday.

5843. When you were going into the room Mr. Alfred Illingworth was coming out, was he?—I was going in the door and I stood on one side when he came out of the door.

5844. After he had said this to the landlord, did you go into the room?—I did.

5845. And was some beer brought in?—There was beer brought in.

5846. Did you get your share of it?—I got a glass of it.

5847. Did you pay anything?—I did not.

5848. You were never asked for anything?—No.

5849. Was there any other refreshment going

on besides this beer?—There was cheese and bread, and steaks brought in; I got some steak myself.

5850. Where was this?—At the "Gladstone Arms," Brick-lane; it was in the first week in November.

5851. Was it the same night that Mr. Illingworth was there?—The same night.

5852. You got some of the steaks?—I did.

5853. In addition to the public-houses that you have told us of, there is the "Britannia" beer-house; did you go to the "Britannia" beerhouse in the same way?—I was only once in the "Britannia."

5854. Was it a Forster and Miall committee-room?—It was.

5855. Did you see any ale brought in there?—I did.

5856. About how many persons were present then that were voters to your knowledge?—Near upon 20 persons, I should say.

5857. Was anything given to the voters besides the ale?—There was bread and cheese.

5858. About when was this?—It was before the municipal election.

5859. But at the time you are speaking of, when you were at the "Britannia," were Foster and Miall's bills up in the upper window?—They was.

5860. What were the people talking about there when you were there principally?—They was talking about the borough election.

5861. By that, do you mean the municipal election or the Parliamentary election?—The Parliamentary election.

5862. There is the "Cross Keys" beerhouse; is that in Thornton-road?—Yes.

5863. Is that one of the seven that you mentioned just now?—No, it is another neighbourhood altogether.

5864. Was that a committee-room for Forster and Miall?—It was.

5865. Have you been there?—I have.

5866. Before or after the municipal election?—Before the municipal election.

5867. And since?—And since also.

5868. Have you seen any refreshments consumed there?—I have seen beer brought in; that is all I have seen there.

5869. Who ordered the beer?—I do not know who ordered the beer; I cannot swear that.

5870. Who got it?—The company in the room got it. I did not see anyone pay for it.

5871. Did you get some?—I did.

5872. Did you pay?—I did not.

5873. Did you know the company present who they were, whether they were voters or not, any of them?—I knowed them, both voters and non-voters.

5874. In any of those houses that you have told us of, was there ever any check kept at the door?—No.

5875. Were you ever asked if you were a canvasser, or anything of that kind?—I never was.

5876. Then there is the "Black Horse"?—Yes.

5877. The "Black Horse," Poole-alley?—Yes, there was.

5878. Is that in the Silsbridge neighbourhood?—It is in the Silsbridge neighbourhood.

5879. Is that one of the seven names that you counted up just now?—It is one of the seven.

5880. Was

5880. Was that also a Forster and Miall house?—It was.

5881. Did you go in there?—I went in there.

5882. Have you been in there since the municipal election and before the Parliamentary election?—I have.

5883. And did you see any ale brought in there?—I did.

5884. Was it poured out to the company?—It was.

5885. Who appeared to be managing there that night?—It appeared to be under the management of Dracup.

5886. Did you hear anything said to the landlord, or his wife, with regard to what was to be done with it, whether it was to be paid for then, or afterwards?—It was to be paid for afterwards.

5887. Tell us how you know that; what was paid?—I heard a voice say to the landlady, he says, "Let some beer come in, and," he says, "you will be paid for it after."

5888. Did you hear anything said about going down to the bill?—Yes.

5889. What was said about that?—It was to be put down to the bill, and it would all be paid for together.

5890. Who said that?—Dracup.

5891. Whom did he say this to?—He said it to the landlady.

Cross-examined by Mr. Serjeant *Ballantine*.

5892. What did you say you were?—A Labourer, by trade.

5893. There are so many kinds of labour; we know what you have been labouring at here, but what kind of labourer are you?—I am not particular to any situation.

5894. What do you do, do you know what you do?—Yes.

5895. What?—I work for Mr. Dobson, the auctioneer, at the present time.

5896. What as?—We have different kinds of business.

5897. Let us know what it is?—We have loan warrants to execute for one kind of thing.

5898. Do you mean by that that you are a sheriff's officer, or what?—Yes.

5899. That is what you you call being a labourer. I only want to know; you were a police officer, I believe?—I was a police officer.

5900. But now you are promoted into the higher position of a sheriff's officer?—Yes, if you call it a higher position.

5901. There is no harm in it, it is a highly honourable and nice employment. Just tell me this, when did you leave the police?—Twelve months last October.

5902. How came you to go?—I was dismissed from the police force.

5903. What for?—For getting beer.

5904. You mean getting drunk?—Yes, for getting drunk.

5905. Never mind, we do not mind plain English here. Just tell me who employed you about this work; I mean the work of spying about which was going on?—I had not been spying about.

5906. Yes, you were?—No, I had not; at the time I was going about, I was going about business, not spying about at all.

5907. Do you mean that you had business at all those public houses?—I had.

5908. What was the business?—Business for the municipal election.

5909. But this was after the municipal elections were over, you know?—Both before the municipal election and after the municipal election.

5910. It was about that business that you went to the publichouses?—It was about a relation's business that I went to the publichouses.

5911. We will come to the relation by and by; it was about the municipal election business was it?—It was.

5912. It was that that took you to the different publichouses before and after the municipal election?—It was.

5913. Your uncle was a candidate, was he not?—He was.

5914. He had been a counsellor?—Yes, he had.

5915. It was a very hard fight, and he was turned out?—It was a hard fight.

5916. And there was a good deal of beer going?—A good deal.

5917. On both sides?—No, I cannot say there was so much beer going upon his side, there was a little going upon his side, certainly; there was not the hundreds of pounds spent on his side that there was upon the other.

5918. You know, as an affectionate nephew, you are not the man to take away your uncle's character, and say he did not spend anything in beer?—There was not one-third as much spent upon beer upon his side that there was upon the other.

5919. He was turned out?—Yes, he was turned out through treating. No doubt, if he had gone on treating, ordering beer, and cheese, and bread, and sandwiches up and down, he would have got into the council.

5920. You mean that he did not pay enough?—He did not pay enough.

5921. Perhaps your relationship made you have something to do with it?—No.

5922. You do not think it had; were you paid for those operations?—I was paid from him.

5923. By him?—Yes.

5924. How much?—That is my business, that has nothing to do with you.

5925. It will be our business in a few minutes. How much?—

Mr. Baron *Martin*.] You may answer it or not, as you like.

5926. Mr. Serjeant *Ballantine*.] Please yourself, if you like?—It is a family affair.

5927. I suppose it is by your uncle's desire that we have the pleasure of seeing you here?—No, it is not by his desire.

5928. Has he said nothing to you about it?—He has not.

5929. Do you mean to swear that?—Yes.

5930. Had you no conversation with him about it?—Not about coming here.

5931. Have you spoken to him about it?—I spoke to him yesterday.

5932. Have you ever spoken to him about your being a witness?—I have not. I do not think he knew of it, nor have I seed him this week.

5933. You think it will surprise him to see that you have been examined here?—No, he did not know I was here; I do not go to see him every day, and he does not come to see me.

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5934. You

T. Peole.

29 January
1869.

T. Poole.
29 January
1869.

5934. You say you had seen Mr. Mahony pay for and order beer; now give me the time, and be cautious?—It was the week before the municipal election, and the week after the municipal election.

5935. Where?—In Silsbridge-lane.

5936. At what house?—At the "Labourer's Arms."

5937. How came you there?—I went there on business.

5938. What business?—On business about the municipal election.

5939. That was over you know?—Yes, we know it was over, but I can tell you what I went there for, I went there to tell him to bring in his bill.

5940. He was one of those that had gone round?—No, he was not one of those that had gone round; he was one where we had a committee-room at.

5941. And there was a bill there?—There was a bill there, a small bill.

5942. For treating?—For beer, and his committee-room.

5943. For treating?—Yes, for treating; this was the municipal election; nothing to do with the borough and Parliamentary election; I went to order him to bring in his bill.

5944. What time in the evening or day was it?—It was in the evening, I cannot exactly tell the time now.

5945. Just tell us exactly, what took place?—They was up stairs, and I went upstairs along with the landlord.

5946. And he knew who you were?—He knew who I was; I know people enough in that neighbourhood; I know the biggest part of them, and I know them to my sorrow in that neighbourhood, I can promise you.

5947. But you do know them?—Yes.

5948. And they know you?—Yes.

5949. They knew that you were the newpew of the disappointed candidate?—Yes, they do.

5950. And they knew I suppose, also that you were not a Miall man?—Some of them did, and some of them did not.

5951. I should think, Mr. Mahony knew it?—I do not suppose he did; I do not think the gentleman knows me.

5952. Do you think he saw you?—I do not think he did, he might have seen me.

5953. Are you quite sure you saw him?—Yes.

5954. Mr. Baron *Martin*.] Have you a deputation from the sheriff, or are you on honour?—On honour.

5955. Mr. Serjeant *Ballantine*.] What did he say about beer on that occasion?—He told them to bring some beer; he said, "Bring some beer," and then, "Let them have some beer in."

5956. Where was he standing or sitting?—He was standing at that time in the room.

5957. What was the time, when you say you saw Mr. Illingworth there?—It was in November.

5958. What time in November?—The first week in November.

5959. Can you give me the day?—I cannot give you the day; I do not recollect the day.

5960. What was the public-house?—The "Gladstone Arms," Brick-lane.

5961. What was the time?—It was in the evening.

5962. What were you doing there?—I was going down to Bullock's in Brick-lane, the "Wild Boar."

5963. But what were you doing in the "Gladstone Arms"?—I thought, I would have a look in and see how business was going on amongst them, that is all.

5964. No other motive than that?—No other motive than that, not in the least.

5965. There it was you saw Mr. Illingworth?—Yes.

5966. Just tell me exactly what Mr. Illingworth said?—He told the landlord to let some beer come in.

5967. You are quite sure about that?—Quite sure.

5968. There is no mistake about it at all?—There cannot be any mistake about it.

Re-examined by Mr. *Price*.

5969. Who was the candidate against your uncle?—Holden and Lund, Angus Holden, and Joseph Lund.

5970. Angus Holden is a Forster and Miall man?—He is.

5971. He was a petitioner in the last case against Mr. Ripley?—He was.

5972. And he is the richish chap, is he not?—I suppose he is.

Mr. Serjeant *Ballantine*.] I understood from your Lordship, that you intended the causes to be tried as *Nisi Prius* causes; I shall object.

Mr. Baron *Martin*.] It seems to me that this arises out of your cross-examination. It may be that this beer drinking, was municipal beer drinking, and not borough beer drinking; but I must hear the evidence.

5973. Mr. *Price* (to the *Witness*).] Did Angus Holden, spend a lot of money?—He did.

5974. How much, do you know at all?—I do not know how much; I have heard that it has cost him, between 700 *l.* and 800 *l.*

5975. Between 700 *l.* and 800 *l.*, to be a town councillor?—Yes.

5976. Mr. Mahony was at this place; is Mr. Mahony a Burgess of that ward?—I do not know, I am sure.

5977. Is Mr. Illingworth, a person who votes for that ward?—I believe Mr. Illingworth, will vote for either Little, Horton Ward, or Man-ningham Ward.

5978. Not for this ward?—No, not that I am aware of.

5979. As far as you can judge, he was not there on municipal business?—Not as far as I am aware.

5980. He is a richish man?—Yes.

5981. And member for Knaresborough?—Yes, is a member for Knaresborough.

5982. Is he brother-in-law to Mr. Angus Holden?—He is.

The *Witness* withdrew.]

Mrs. ELIZABETH HILL, sworn; examined by Mr. *Waddy*.

5983. I BELIEVE you are the wife of John Hill, of the "Rose and Shamrock," White Abbey?—Yes.

5984. That used to be till lately called, the "Three Horse Shoes," I believe?—Yes.

5985. Before the Parliamentary Election was your house engaged for Forster and Miall?—Yes.

5986. Did it continue to be a Forster and Miall house up to the end?—Yes.

5987. I believe you have sent in a bill?—Yes.

5987.* Who engaged your rooms for Forster and Miall?—Mr. Stephenson.

5988. Is that Mr. Lockwood Stephenson, the butcher?—Yes.

5989. Was your room engaged for the municipal election, as well as for the Parliamentary?—Yes.

5990. When were you first told that the room was wanted for the Parliamentary election?—I am sure I cannot say.

5991. As nearly as you tell us, how soon as far as you can remember, about when were Forster and Miall's bills put up?—I think it would be in October.

5992. Do you remember Mr. Stephenson, giving you any orders about beer?—He said on Friday, before the Parliamentary election; my husband told him, that people kept coming in saying, "It was a very dry mess," and they wanted something to drink.

5993. Mr. Baron *Martin*.] Whom was he speaking of?—It was the company that was coming in, and we told Mr. Stephenson; he said well we was to do the best way we could with them, but if they wanted it, we was to give them a sup of beer, according to our own conscience.

5994. That meant a reasonable amount?—Yes.

5995. Mr. *Waddy*.] How long was your conscience to let you give them beer?—I think until the polling was over.

5996. Did you afterwards give beer to the people that came in and asked for it?—Not every one.

5997. But to some?—Yes.

5998. Do you know who they were?—I know some of them.

5999. Tell us exactly, how it was that you came to them beer; did they belong to the committee, or were they voters, or were they not voters, or who were they?—They was both.

6000. And did you keep an account of the beer that you supplied in this way, to those people?—Yes.

6001. Did you supply this beer always in the committee-room, or sometimes elsewhere?—Both in the committee-room, and in the tap-room.

6002. And did you ask for payment for this beer that you supplied in the committee-room, and tap-room, from the people to whom you supplied it?—Some paid it, and some did not; anyone that offered us the money—we took it.

6003. And if they did not offer you the money, what did you do then?—We put it down.

6004. On the polling day, did some provision come to your house?—Yes.

6005. What was it?—Ham sandwiches.

6006. Do you know who supplied them?—No, I do not.

6007. Who brought them?—I do not know his

name; I should know him by sight, but I do not know his name.

6008. How many people were there in your house on the polling day, do you think?—There was a good deal; I cannot say how many.

6009. By that, do you mean 5 or 20, or 100?—There was about 100.

6010. And what became of the sandwiches?—They was given to all that was in that asked for them, as far as they went.

6011. To those 100 that you have been telling us of?—Yes.

6012. How many lots of sandwiches were sent?—I think there was two baskets.

6013. What was the size of the baskets?—I do not know; they would hold a hundred or two sandwiches, each basket.

6014. How many baskets came each time?—Only one at once.

6015. Where were those sandwiches taken to, into which room?—I am not sure whether they was taken into the tap-room or not; they was taken into the committee-room, and some was brought into the bar.

6016. You are sure they were in the committee-room, and they were in the bar, but not sure about them being in the tap-room?—No.

6017. And who had them; who ate them?—I do not know who ate them, but I was in the bar all the time.

6018. Did you see the people that came in; were they voters or not?—They was both voters and non-voters.

6019. You say you were in the bar; you told us a moment ago that some of them came into the bar; do you know who ate them?—I got some of them myself.

6020. Do you know what became of those that were brought into the bar; who ate them; were those eaten by voters or not?—There was none brought into the bar but to me.

6021. Did anybody go into the committee-room that day except the committee?—I do not know, I am sure.

6022. Did you send any beer out?—Yes.

6023. Where did you send beer out?—To Mr. Steel's.

6024. Who is Mr. Steel?—He is a tailor.

6025. Who ordered you to send it to Mr. Steel?—Mr. Stephenson and Mr. Deane.

6026. Who is Mr. Deane?—He lives in White Abbey.

6027. Was he a Forster and Miall man?—Yes.

6028. Can you tell me whether he had been on Forster's and Miall's committee at your house?—No, I am sure I cannot.

6029. Do you know how it came that the beer should be sent from you to Mr. Steel's?—When they came back from voting there was not room in our house, and then they went to Steel's.

6030. Who were they?—The voters.

6031. How do you know that they had come back from voting?—I asked Mrs. Steel, and she said she thought they had every one been and given their vote in when they came to our house, and there was not room in our house.

6032. Mr. *Price*.] Did you hear from Mr. Stephenson, or from Mr. Deane, anything at all

Mrs. *E. Hill*.

29 January 1869.

Mrs.
E. Hill.

29 January
1869.

about why those people were to go and get the sandwiches at Steel's?—No; that I did not.

Mr. Price.] Then I withdraw that.

6033. Mr. Waddy.] Were there any cards given to the voters at your house?—Yes.

6034. Like these (*handing some papers to the Witness*)?—Yes.

6035. Had you tickets like this?—I did not read them, but they were something like these.

6036. What ward is your house in?—The West Ward.

Mr. Price.] Now, my Lord, I call for the tickets issued to this lady in the West Ward.

Mr. Baron Martin.] How do you trace them back; the giving of them to this lady, Mrs. Hill, would take them away from my brother Ballantine's client? You must get them back again.

6037. Mr. Waddy (to the *Witness*).] You say you saw those tickets; who brought the tickets to your house?—I cannot tell you his name; I am not sure whether it was Mr. Stephenson or not; it was a dark-complexioned man.

6038. You do not remember whether it was Mr. Stephenson or not?—No.

6039. Look at those tickets for one moment; I do not mean voting tickets, but voters' tickets?—We had none like this.

6040. What tickets are you speaking of?—The voting cards.

6041. You saw those voting cards; what colour were those voting cards?—No; I only saw them as they lay upon the table.

Mr. Baron Martin.] You had better get Mr. Hill's account.

6042. Mr. Waddy (to the *Witness*).] Did you make out the account and take it to Mr. Lockwood Stephenson?—Yes.

Mr. Serjeant Ballantine.] There it is; I admit it, and it is paid.

Mr. Price.] But that is not all; those receipts, in fact, show Hill's committee-room, but we are not proving that now; we are proving quite a different thing.

6043. Mr. Baron Martin (to the *Witness*).] Is that your handwriting?—No; nor is it my husband's.

6044. Is that your mark?—Yes.

6045. This bill has on it Elizabeth Hill's mark, and it is in this form: "Forster and Miall's Election Committee, John Hill, 'Rose and Shamrock,' Bradford; Received from the agent for election expenses of the above candidates, 4*l.* 10*s.*, being the rent of the committee-room, and 10*l.* 10*s.*, being the amount of refreshments supplied;" whose handwriting is that; is it your own?—No, my Lord; I believe it is Mr. Stephenson's.

6046. Is this other bill yours also?—Yes, my Lord.

6047. Mr. Waddy.] When you first made out the bill, who made it out for you?—It was Mr. Northrop's nephew, I think.

6048. Who is he?—He lives at the "Falcon Inn."

6049. Did you take that bill made out by Mr. Northrop's nephew, and show it to Mr. Lockwood Stephenson?—Yes.

6050. Did Mr. Lockwood Stephenson send you with that bill to Mr. Kemp?—Yes.

6051. Mr. Kemp, I believe, is the election agent who has signed these accounts; but did you hand that bill to Mr. Kemp?—Yes.

6052. Did he give it back to you?—Yes.

6053. What did he say when you gave it to him?—He said he could not pay me then, it was not right; it must be altered.

6054. Did he tell you what alteration was to be made?—No, he did not tell me what alteration was to be made; he said I was to give the note to Mr. Stephenson.

6055. Did he tell you the way it was to be altered?—No, I think he did not.

6056. Did you take it to Mr. Stephenson?—Yes.

6057. What did Mr. Stephenson do to it?—He gave me another note to take the next day.

6058. Mr. Baron Martin.] What did you do with the original one?—I left it with Mr. Stephenson.

Mr. Price.] Will you give us the original account, Mr. Serjeant Ballantine?

Mr. Serjeant Ballantine.] There is the original account (*handing the same to the learned Council*).

6059. Mr. Waddy (to the *Witness*).] Is that the one you are speaking of (*handing the same to the Witness*)?—Yes; I believe that that is the first one.

6060. That is the one which you took to Mr. Kemp?—I believe it is.

6061. Was there another besides that?—Yes.

6062. Mr. Baron Martin.] In your handwriting?—No.

6063. Mr. Waddy.] Was there another account besides that one?—Yes; there was the second one.

6064. How many accounts were there altogether presented by you to Mr. Kemp at any time?—Two.

Mr. Baron Martin.] Look at this Mr. Waddy, and see if this is not a mare's nest.

6065. (To the *Witness*).] In the first bill, did you put in both the charge for the room and for refreshments?—Yes, on the note that we took to Mr. Stephenson.

6066. And which bill Mr. Kemp objected to; and he wished the room and the refreshments to be separate?—Yes.

6067. Did you take this back to Mr. Stephenson to make it out separate?—Yes; they was separate at the first.

6068. Mr. Price.] In the first document which you sent in, was there a specific charge made for the room and a specific sum charged for refreshments?—I believe there was; but I will not swear on my oath that there was two sums at first; but I believe there was one for refreshments and another for the rooms.

Mr. Baron Martin.] That will not do even for secondary evidence.

6069. Mr. Price.] What was the amount for refreshments in the first instance?—Well, sir, it was 15*l.* altogether.

6070. What was the amount for refreshments in the first account that you sent in?—I think it would be 14*l.* 5*s.*

6071. How much for the room?—It was 2*s.* 6*d.* each night.

6072. Mr. Baron Martin.] Who is George P. Bowman?—I do not know him.

6073. Mr.

6073. Mr. Price.] Did you ever hear of such a man?—No.

6074. Do you know him at all?—I went down to the committee-room of Mr. Kemps, and I believe he said that we was to have a note settled by Mr. Bowman.

6075. Did he say why?—No he did not. "

6076. You say that you charged 2s. 6d. a night for the room; how many nights were they there?—They was there either eight or nine nights; that I am certain of; I do not know exactly how many.

6077. Then it would be eight or nine half-crowns, and you charged 15l. for refreshments?—And the committee-room; we put it down altogether when we gave the note to Mr. Stephenson.

6078. Were two separate charges made, one for the room, and one for refreshments?—They was made by Mr. Stephenson, but not by us.

6079. What was made by you in the first account that you sent in?—£. 15.

6080. In a lump sum?—Yes, 15l.; we gave it to Mr. Stephenson for 15l.

6081. How was that note worded; how was it made out?—It was made out at the committee-room.

Mr. Serjeant Ballantine.] I object to that.

Mr. Baron Martin.] Then I must stop it; I have not the slightest doubt if you look at it that that is the note; you will find upon the back of it 1l. 5s. and 13l. 15s. No doubt the 1l. 5s. was for the room, and 13l. 15s. for refreshments.

6082. Mr. Price (to the Witness.) There is 1l. 5s. at the back and 13l. 15s., what is that?—That was 5s. for the day of the polling.

6083. What is the 1l. for?—There was nine meeting nights and there was nine half-crowns for them, and I think there was 5s. for the polling day.

6084. That is 1l. 5s.; then 13l. 15s. represents the bill for refreshments?—Yes.

6085. You signed a receipt; how came it that you put your mark to the receipt for 10l. 10s. for refreshments?—I took the note back to Mr. Stephenson from Mr. Kemp, and Mr. Stephenson had to make out the note again; and he made me a note, 4l. 10s. for committee-rooms and the polling day, and 10l. 10s. for refreshments.

6086. Mr. Baron Martin.] So that you got the money, you did not care how he made it up?—Of course, we wanted the money; that was all.

6087. Mr. Price.] Was any reason given to you for altering it in that form?—They thought it looked a deal, 13l. for refreshments.

6088. Had they made a bargain with you for the 2s. 6d. per night for the committee-room?—Yes.

6089. So that you just charged the bargain for the room which you had agreed to, and 5s. for the polling day, and the rest you put down for what had actually been consumed?—Yes.

6090. Was that a fair charge for all, according to your conscience, as it was put upon your conscience?—Yes.

6091. Was that a fair charge for what they had?—Yes.

Mr. Price.] I shall ask for the 4l. 10s. receipt (the same was handed to the learned Counsel).

6092. (To the Witness.) Did you ever think for a single moment of charging 4l. 10s. for the rent of the rooms till it was given to you in that way?—It was given to us so; I took it down to Mr. Kemp, and I gave him the note, and then he paid me 15l.

6093. What did Mr. Kemp say?—When I give him the note, he said, "I cannot pay you to day;" he said, "you must give this note back to Mr. Stephenson."

6094. Was that all he said about it?—He said it looked a deal, 15l.

6095. Did he say what for?—He looked at the note, and said it looked a great deal.

6096. I see it put down here, "refreshments for clerks on the day of the poll;" was that the way it was ever put down in any account that you rendered?—No.

6097. And what you charged for was the refreshments you have told us of?—Yes.

6098. That went on from the Friday night, according to your conscience?—Yes.

6099. When you said anything to him, was anything said by Mr. Kemp about discount?—No, he said he must come up to the "Rose and Shamrock" that night, and have some beer and cigars with us, and I gave him a shilling, and I said, "That will get you a cigar or two."

6100. How much did you price them at; 4d. a piece?—No, he might suit himself.

6101. He accepted it; he took the shilling?—Yes.

6102. Mr. Waddy.] Was there a person called Northrop, of the "Falcon Inn"?—Yes.

6103. Did he come with Mr. Stephenson at the time that the rooms were engaged?—The father, him that keeps the "Falcon Inn," came, but not Thomas Northrop himself.

6104. Have you got your book here?—No.

6105. Can you tell us the name of any person in your house at your bar during the days that you have told us of that were voters?—Yes, I know some of them.

6106. Who were they?—I do not know many by name, but I know them by seeing them.

6107. Do you know any of them by name?—Yes.

6108. Who was there?—Michael Murray was one.

6109. Do you know any other by name?—Tim. Haggarty and Joseph Greenwood; I do not remember any more.

6110. You told us that there were others that you knew; how did you know that they were voters?—Because they live about us.

6111. On the polling day, about the middle of the day did Mr. Lockwood Stephenson come to your place?—Yes.

6112. And did you say anything to him about the ale that was already gone?—Yes.

6113. Just tell us what you said to him?—I told him there was 10l. gone in already.

6114. Gone in where?—Into the tap-room and into the committee-room, and to Mr. Steel's.

6115. When you told him that did you ask him for any further instructions of any sort?—No; when I told him that, I said, had I to fill any more, or to leave off, and he said, "You can fill another gallon or two," and we did; and we filled many a one after then; and Mr. Dean ordered a few at night, when Mr. Stephenson had gone away.

6116. Before that did Mr. Stephenson give any reason why you were to go on filling the beer;

Mrs.
E. Hall.
29 January
1869.

Mrs.
E. Hill.
29 January
1869.

beer; did he say how the election was going on, or anything of that kind?—He said we was losing.

6117. Mr. Baron *Martin*.] That was Forster and Miall were loosing?—Yes.

6118. Mr. *Waddy*.] Tell us all he said about that; what had their loosing got to do with it?—He said, "Well, if we was gaining the day we would have rather better spirit to order more beer."

6119. But he said that they were loosing?—Yes.

6120. You told us that at night Mr. Dean ordered some?—Yes, he came to the bar, and he says, "Let those lads have a gallon or two of beer in."

6121. Is that Silvester Deane?—Yes.

6122. Had you received any orders about Mr. Dean from anybody?—I told Mr. Stephenson if Mr. Deane had ordered some beer in, was I to fill any, and he said, "Well, you can fill a gallon or two as he has told you."

6123. And did you get contrary orders with regard to the beer; when was it stopped?—We stopped ourselves.

Cross-examined by Mr. Serjeant *Ballantine*.

6124. I want, If I can, to make this out; you say you cannot either read or write?—Not write.

6125. It is of no use to ask you if you know who put these figures upon the back?—I think Mr. Kemp put them down; I believe he did.

6126. Did you see him, do you mean?—No, I did not see him; he went out of the room where I was, and went into another room.

6127. Your impression is, that Mr. Kemp put them down; your original bill was for 15*l*.?—Yes.

6128. What did you make it out from?—We made it out for beer.

6129. Had you kept an account?—Yes.

6130. How much beer had you really supplied?—We reckoned the note, and it was altogether 15*l*.; we reckoned committee nights and all, and 5*s*. for the polling day.

6131. How long had they occupied your house? Well, they had occupied it for a few weeks.

6132. For three months, had they not?—I do not know; I do not think it was three months.

6133. Very nearly three months?—They came every other week, and they had eight or nine committee nights.

6134. Does this Bill include everything that was provided during the whole of that time?—The 15*l*. does.

6135. 15*l*. includes everything, for all of those weeks?—Yes; there was not beer went in all those weeks; there was no beer went in till the Friday before the polling day.

6136. What would have been your charge up to the Friday?—There was nine nights; that would be nine half-crowns.

6137. That would be all, would it?—Yes, and then there was the polling day; I will not say whether there was more nights or not, but I know there was no less than nine nights.

6138. You will not say there was not more?—No; I know there was no less.

6139. Just tell me this; Mr. Stephenson complained, did he not, of the amount charged?—No, he did not complain to us.

6140. But did he not say it was too much?—I never heard him say so.

6141. Did you not say, "The other people offered us 5*l*.?—That was for the rooms. On the Friday the Ripley party came and they said to us, if we would take Forster and Miall's papers out of the window, and put Mr. Ripley's in, they would give us 5*l*. for doing so. My husband said "No;" if they would give him half what Mr. Ripley was worth, he would not turn over; that Mr. Forster were his man, and he would vote for him if he could give a vote.

6142. Just recollect yourself; did he not complain that you had charged too much for refreshments?—No; he never did to me, and I never heard it. I do not remember if he did.

6143. Did your husband see him about it?—My husband saw him the same as I did. I do not know whether it was my husband or me that took the note to him; that is all I remember.

6144. You do not know whether your husband saw him about it?—I believe my husband took the note to Mr. Stephenson.

6145. Then all the conversation was with your husband, was it?—There was no conversation, only just taking the note and giving it to Mr. Stephenson.

6146. Mr. Baron *Martin*.] Had you any conversation with Mr. Stephenson yourself?—No, I had not.

6147. Mr. Serjeant *Ballantine*.] Then you have been telling us what your husband told you?—My husband took the first note that we made out for 15*l*., and he gave it to Mr. Stephenson.

6148. But you do not know what took place between your husband and Mr. Stephenson about it except what your husband told you?—I never heard him say that Mr. Stephenson had grumbled.

6149. All you know is what your husband did tell you?—Mr. Stephenson gave me the notes himself to take to Mr. Kemp's office. I took them and I gave them to Mr. Kemp. Mr. Kemp said I must take them back to Mr. Stephenson, and he said something about their being signed by Mr. Bowman, and I took the notes to Mr. Stephenson. I told him what Mr. Kemp had said, that the notes would have to be altered.

6150. Then you yourself had no conversation with Mr. Stephenson in relation to changing the mode of the account?—I gave him this note, and he said, "Well, we can alter it." He said, "Yes, it looks a good bit, this 15*l*," he says, "and only half a crown for each night of the meetings."

6151. This was to you?—This was to me; it was not to my husband. I said he was to get the note ready for the day after. He said, Well, perhaps he would have it ready that night, and if he had he would come up to our house and give it to us. I am not sure; I believe he did come up that same night. I went down to Mr. Kemp's office the day after; in the forenoon. When I gave Mr. Kemp the note, he says, "Ah," and then he took the notes in and he gave me 15*l*., and when he had give me 15*l*., he says, "I think I shall come up to your house to-night, to the Rose and Shamrock, for some beer and cigars." I was going out, and I turned round and I said, "Sir, that will get you a cigar or two," and I gave him a shilling.

6152. Will you be good enough to look at that gentleman (*pointing to Mr. Kemp*); is that the gentleman to whom you allude?—No, it was not him; it was a thin gentleman. I asked for Mr. Kemp

Kemp when I went in and there was a thin young man came and he held out his hand for the note, and I gave it to him, and he signed the note; him that paid me did; and I did not know but what it was Mr. Kemp. I could tell the young man again if I were to see him.

6153. Mr. Baron *Martin*.] Did he have a cigar?—I do not know.

Re-examined by Mr. *Price*.

6154. How did you know him to be Mr. Kemp?—I did not know him to be Mr. Kemp, but I was told to go to Mr. Kemp's office. I knocked at the door and asked for Mr. Kemp, and he said come in. I went in; it was a little place, something like this, but there was a door, and like a lid on it. I leant against it in this way, and I said, "Is Mr. Kemp in?" and he said, "Yes," and he came forward and put his hand out. I did not know but what it was Mr. Kemp; it was him that took the note and it was him that paid me, but it was not that gentleman there.

6155. Then we will suppose it was Mr. Kemp's

clerk?—I did not know but what it was Mr. Kemp.

6156. I only want to ask you one question; I think you and your husband had only been in occupation of this house for about three weeks?—At the first, when Mr. Stephenson came to engage the rooms, we had been in, I believe, about three or four weeks.

6157. How long was that before the election?—It was a few weeks before, but I am sure I cannot tell.

6158. Mr. Baron *Martin*.] Why did you change the name of the inn?—When we went into the house we had not it on our own bottom, but when we got it on our own bottom we changed the name.

6159. Your husband was a firm supporter of Forster and Miall; is there any pretence for saying that you charged for that which really was not supplied?—No, we did not; what went in we charged for it, and we have charged for nothing else.

[The Witness withdrew.

MICHAEL FREEMAN, sworn; Examined by Mr. *Price*.

6160. Are you a voter for the borough of Bradford?—No.

6161. Were you a committee man?—Yes.

6162. Where did your committee meet?—At the "Bobbin Turners' Arms."

6163. Whose committee was it that was sitting there?—Mr. Ripley's committee.

6164. Did you attend at any other houses in that ward?—Yes, several.

6165. What other houses did you attend at?—At the "Brown Cow" and the "Black Horse."

6166. Whose is the "Brown Cow"?—Patrick Harrigan's.

6167. Whose committee was that?—Forster and Miall's; they were both Forster and Miall's.

6168. Mr. *Waddy*.] Were you at the "Brown Cow" before the municipal election?—Yes.

6169. And after?—Yes, and after.

6170. When were you there before the municipal election; how long before?—A week before; night after night.

6171. What are you?—I am a labourer.

6172. At the time that you were there, what was going on in the room?—There was one called Burke was making a speech.

6173. What was the speech about?—In favour of Forster and Miall.

6174. Did you see any drinking going on?—Yes, I did.

6175. How many people were there?—There was 30 or 40.

6176. Do you know of your own knowledge whether they were voters or non-voters?—Yes, I do; they were both.

6177. Was there any check upon the people that went into the room?—No, none at all.

6178. Did you see beer brought into the room?—Yes, and drunk in it.

6179. How much did you see brought in?—Half a gallon on every table that there was in the room.

6180. How many tables were there in the room?—Four.

6181. Was that brought in in pitchers?—Brought in in half-gallon pitchers, time after time, as fast as they were emptied.

28.

6182. And was it given to the people all round?—It was given to the people all round.

6183. Did you see anybody pay for what they had?—Yes, I did.

6184. Who paid?—I seed Calvin Robertshaw pay.

6185. Did you see what he paid?—I cannot swear to the coin that he paid it with.

6186. Did you see whether it was silver or gold?—I cannot swear; but I seed him give some money to the landlord for some beer.

6187. Did any one else pay for some beer?—Not that I seed.

6188. Mr. Baron *Martin*.] Did this Calvin Robertshaw treat you; is that what you mean?—Yes.

6189. Was this before or after the municipal election?—Before.

6190. Mr. *Waddy*.] Did you ever go to that public-house after the municipal election, and before the parliamentary one?—Yes, I did. I went regular to the house, night after night; not one night, not one night only.

6191. When you have been there, after the municipal election, was there drink going on?—Yes, there was night after night.

6192. How much?—Half-gallons going on the tables round.

6193. Who paid for it?—I cannot swear who paid for the beer; the beer came up, I did not pay for it myself, nor no other man that I seed.

6194. Did you offer to pay for it?—No; I did not.

6195. Did you hear anything said about payment to the landlord?—No; I did not.

6196. This was after the municipal election; were the people that were there, voters or non-voters at the time?—They were both voters and non-voters; I can swear to voters being in the room.

6197. Did you see whether there was any account kept; any marking up, or what was done with regard to the beer?—I did not see anything done at all to that effect.

6198. On how many occasions were you at the "Brown Cow" after the municipal election and before

Mrs.
E. Hill.

29 January
1869.

M. Freeman.

M. Freeman
—
29 January
1869.

before the Parliamentary election, when beer was going?—I was on several occasions in the house altogether, before the municipal election and again after; I was on several occasions there.

6199. Have you been to the "Black Horse"?—Yes, I have.

6200. That we have heard was a Foster and Miall house?—Yes; it was a Forster and Miall house.

6201. Were you there after the municipal election?—Yes, I was.

6202. And before the other?—Yes; and before the other.

6203. At the time that you were there, did you go into the committee-room?—Yes, I did.

6204. Did you see any beer there?—Yes, I did.

6205. How was it brought?—It was brought by the landlord.

6206. Do you know his name?—Yes.

6207. What is it?—Jonathan Illingworth.

6208. Who paid for it?—I cannot swear; I did not see anybody pay for it; the beer came in and I drank part of it.

6209. How much beer was brought in on any night that you saw it?—Several half-gallons, and as fast as one pitcher was emptied it was filled again.

6210. And who drank it?—The company at large; by both voters and non-voters.

6211. Was there any check at all upon the people going into the room?—No check whatsoever.

6212. Were you asked whether you belonged to the committee, or anything of that kind?—No; I was not.

6213. Was it the committee-room?—It was the committee-room.

6214. Whilst you were there and whilst this beer was being drunk, what was going on in the room?—They was making speeches in favour of Forster and Miall.

6215. Who was making them?—The last night I was in the room there was a man called Burke speaking.

6216. Where does he live, do you know?—I believe he lives in Longcroft-place, if I am not mistaken.

6217. Have you ever heard anybody else in the "Black Horse" or the "Brown Cow" making speeches in favour of Forster and Miall?—Yes, I have.

6218. Who?—I cannot mention his name, he lived at the "Black Horse" at the time.

6219. Do you know the "Robin Hood"?—Yes, I do.

6220. Had you been to the "Robin Hood" before the municipal election?—Yes.

6221. Before the municipal election were there placards up for Forster and Miall?—Yes, there was.

6222. How long before the municipal election did you go in?—I have gone in ever since the landlord opened the house.

6223. Did you go into the committee-room upstairs?—Yes, I did.

6224. Is that committee-room upstairs or down?—It was upstairs.

6225. When you got there was any drink going on?—Yes, there was.

6226. What quantity?—Half a gallon at a time.

6227. Mr. Baron *Martin*.] One after another?—Yes.

6228. Mr. *Waddy*.] Who brought it in?—The landlord.

6229. How many people were there there?—40 or 50.

6230. Did you see anybody pay for it?—No, I did not.

6231. Did you get any of it yourself?—No, I did not, nor nobody else that I seed in the room.

6232. I do not think you heard my question; did you get any of it I say?—Yes, I did, and drank of it.

6233. Did you pay for it?—No, I did not.

6234. Did you see whether it was chalked up, or whether it was paid for then, or what?—I did not at the present time.

6235. During the time that you were there what was going on in the room, before the municipal election, I mean?—They were speaking in favour of Forster and Miall.

6236. After the municipal election, and before the Parliamentary election, were you there again?—Yes, I was.

6237. At the "Robin Hood" I mean?—Yes.

6238. How often were you there?—Several times; day after day I was there.

6239. How long used you to stay at the "Robin Hood" on an average, when you went?—I went and stayed about four hours one day, close on four hours as near as I can speak.

6240. Where were you all that time?—I was in the tap-room.

6241. During the time that you were there, did you get any beer to drink?—Yes; as much as ever my heart could take.

6242. Did you pay for it?—I did not.

6243. Were you asked to pay for it at all?—No, I was not.

6244. During that time, during the four hours, did you ever go into the committee-room?—This was in the forenoon that I was telling you about now.

6245. How long would that be before the Parliamentary election?—Perhaps a week, I would not say to a day or two; I cannot swear to a day or two; I am not a scholar and did not take anything down.

6246. At any time before the Parliamentary election did you ever go into the committee-room at that house?—Yes.

6247. Where was it, upstairs or down?—Upstairs.

6248. When you have been in the committee-room have you seen drink coming in?—I have seen several people, many scores that I know, and I have seen drink.

6249. Have you seen beer there?—Yes; several half gallons; I cannot swear to a half a gallon or two.

6250. Did you get any of it upstairs?—Yes, I did get some of it.

6251. Who were those people that were there that you knew?—I cannot mention their names, not all of their names; I could mention one.

6252. Were they voters or not?—They were voters and non-voters.

6253. Were they all partaking of liquor?—Yes, they were.

6254. Did any of them pay?—I did not see any of them pay.

6255. Did you see who did pay?—No, I did not;

not; not in the "Robin Hood," not that day, with the exception of one man.

6256. Who was that?—They called him Mortimer.

6257. What did he pay; was it for himself or for the rest, or how?—He paid for the company at large.

6258. Do you know who Mortimer is?—Yes, I do.

6259. Do you know whether he had anything to do with the election?—Yes, I do.

6260. What had he?—He took an active part in the return of Forster and Miall.

6261. About how long before the Parliamentary election was it, that this took place with Mortimer?—Perhaps four or five days.

6262. Was it before the municipal election or after?—It was before.

6263. When Mortimer paid for the company, did he give any reason for so?—Yes, he did.

6264. What did he say?—When I first went into the room, this was in the forenoon; I was going down the lane, and there was a young man told me there was a man paying for any quantity of drink.

Mr. Serjeant Ballantine.] I object to this.

6265. Mr. Price.] Did Mortimer say anything when he paid for the beer?—When Mortimer was paying for the beer, he said, he thought that if there was a Ripley man in the house he would kick his guts out, and I made answer directly and said "Yes, Ripley for ever" and I stood up, but he did not do what he said.

6266. Mr. Baron Martin.] Had you a fight?—No, we did not fight, it did not come to a fight; I think he thought it better to withdraw.

6267. Mr. Waddy.] Do you know a public-house called the "Princess Alexandra"?—Yes, I do.

6268. Mr. Baron Martin.] You seem to know all the public-houses?—No; not all, my Lord.

6269. Mr. Waddy.] Is the "Princess Alexandra" in the same neighbourhood?—In Silsbridge-lane.

6270. Was that also a committee-house for Forster and Miall?—Yes, it was.

6271. Did you go there?—Yes, I did.

6272. When did you go there; was it before the municipal election?—Both before, and after.

6273. Did you see Forster and Miall bills put up in the house?—Yes.

6274. How often did you go to the "Princess Alexandra," between the time that the bills were put up, and the time of the election?—Time after time.

6275. Was the committee-room up-stairs or down?—It was up-stairs.

6276. When you went in there, did you go into the committee-room?—Yes, I did.

6277. Did you see any beer taken up there?—Yes, I did.

6278. How often?—As often as ever a pitcher was empty.

6279. Mr. Baron Martin.] Just the same as in the other houses?—Yes, just the same; I was drinking my share of it.

6280. Mr. Waddy.] Was this after the municipal election, as well as before?—After and before, both.

6281. Is there an inn, called "Fitzgerald's Inn"?—Yes, there is.

6282. Is that in the same neighbourhood?—Yes, I believe it is.

28.

6283. That is kept by James Ryan, I believe? *M. Freeman.*

—Yes; James Ryan, is the landlord.

6284. Did you go into that house?—Yes; I did. 29 January 1869.

6285. Once, or more than once?—More than once; several times.

6286. Was a committee-room for Forster and Miall there?—There was.

6287. Was the same state of things going on there?—The same.

6288. Did you get your beer there?—Yes.

6289. Without paying for it?—Yes; without paying for it.

6290. When you were there, whom did you see pay for any beer there?—James Lancaster.

6291. What is he?—I believe he is a hardware shopkeeper.

6292. Was he a Forster and Miall man?—Yes; he was.

6293. Do you know whether he took an active part in the election?—Yes; he has.

6294. When was it that night you saw Lancaster there?—I seed him in several places, both in the "Brown Cow," and the "Black Horse."

6295. I am talking about the "Fitzgerald's Inn"?—Yes; I seed him pay for beer there.

6296. When he paid for the beer, whom did he pay?—He paid the landlord.

6297. What did he say about it at the time?—He did not say anything; he put down the money, and the landlord received it, and gave him his change; he paid 2 s. for half a gallon of beer, and he gave him 1 s. 4 d. back, and he never said anything; and I drank my share of the beer.

6298. Did you ever see a person called Dracup at the "Fitzgerald Arms"?—Yes.

6299. When?—Several times.

6300. What have you seen him do?—I never seed him pay for any beer there; I seed him speaking there.

6301. Robert Hird; have you seen him at any of those places?—Yes, I have.

6302. Where?—I have seen him at the "Fitzgerald Inn;" but I never saw him pay for any beer there.

6303. Do you know Mr. Robertshaw?—Yes, I do.

6304. Which of them?—I think they call him Calvin; I can swear to the men if I see them both together, and I can swear to him, if I see him by himself; I think he is in the court; I think I seed him before I was called.

6305. Whichever of them it was, Calvin Robertshaw, or Luther, had you seen him at the "Fitzgerald Inn"?—Yes; I had.

6306. And what had you seen him do?—I have seen him knocking about the house and speaking; but I have never seed him pay for no ale at the "Fitzgerald;" I have seen him pay for ale at the "Brown Cow."

6307. At the time that you were at those different places can you say whether the company consisted of voters, or non-voters?—Of both.

6308. And did you know the people personally?—Yes, I did; I have lived with them all my life.

6309. Are you an Irishman?—Yes, I am.

6310. And were the people that were there, that you knew, your countrymen, many of them?—Yes they were, the whole of them; they were all Irishmen.

6311. Do you know Mr. Forster, when you see him?—Yes; I know him.

T

M. Freeman.
29 January
1869.

6312. Have you ever seen him in Silsbridge-lane?—Yes; I think I have.

6313. Whom did you see with Mr. Forster?—I seed Mr. Miall.

6314. Mr. Baron *Martin*.] Where did you see Mr. Forster?—I seed him coming up Silsbridge-lane one night; I seed him and Mr. Miall together, and several other gentlemen; I do not know their names.

6315. Mr. *Waddy*.] Just tell me the names of any gentlemen you have seen with Mr. Forster?—I have seen Alderman Kell.

6316. Who else?—I cannot remember.

6317. Any of those people whom you have been mentioning to us to-day?—Yes; I have seen Robertshaw and all that lot, but they did not come with him did not that lot; there was George Murphy, Robertshaw, Hird, Dracup, and that lot, and they led a number of Irishmen down to fetch him up into the lane.

6318. When?—The night that they was coming into Silsbridge-lane they came there; and then they led a number of Irishmen down in a body to fetch them up into Silsbridge-lane.

6319. Were Messrs. Forster and Miall going to those committee-rooms?—Yes, they were; I seed them both personally.

6320. Which have you seen them go into?—I see them go into every house that I went into; I seed them go into Fitzgeralds, and into the "Plasterers' Arms;" I seed them go into the "Brown Cow," and into several of the houses that I have mentioned.

6321. Did you go in with them?—No; I dared not go in.

6322. Do you remember Mr. Dracup coming to your brother's house, when you were there?—My brother-in-law's.

6323. What took place between Dracup and your brother-in-law?—He came several times, both he and George Murphy; they came canvassing.

6324. Your brother-in-law is a voter?—Yes, he is

Cross-examined by Mr. Serjeant *Ballantine*.

6325. Did you go into the rooms; you say Mr. Forster went into the rooms, and he addressed the Irish of the quarter there, did he not?—I did not go in with him; I will just explain that I dare not go in.

6326. You mentioned that one night you were there four hours, I think, at the "Brown Cow"?—Yes; I was.

6327. Was that before or after the municipal election?—Before.

6328. Mr. Baron *Martin*.] Was it day or night that you were there four hours?—It was at night.

Re-examined by Mr. *Price*.

6329. You had been at the "Brown Cow" for four hours, though not after the municipal election?—Yes, I was there before and after too.

6330. The longest sit you had there was before the municipal election?—Yes; it was.

6331. And then, afterwards, you had another sit there?—Yes; I had several sits.

6332. And as much as your heart could take on both occasions?—Yes.

[The Witness withdrew.]

Mr. *Price* (to Mr. Serjeant *Ballantine*).] Will you give us the bills of those houses I have named; the "Brown Cow," the "Plasterer's Arms, and "Fitzgeralds?"

Mr. Serjeant *Ballantine*.] It will be my duty to call almost every one of the landlords of those houses; I mention that, because it enables me to avoid any lengthened cross-examination.

Mr. Baron *Martin*.] I think that that is the better way of dealing with them.

[Adjourned to-morrow, at Ten o'clock.]

Saturday, 30th January 1869.

SAMUEL STOREY and THOMAS GARNETT - - - - Petitioners.

AND

WILLIAM EDWARD FORSTER - - - - Respondent.

WILLIAM FOX, sworn; Examined by Mr. Waddy.

6333. You are a Butcher, living in this town?
—Yes.

6334. On the nomination day, the 16th November, did you call at the “Three Horse Shoes”?—Yes, I did.

6335. Was that a committee-room of Miall and Forster’s?—Yes, it was.

6336. Did you find a number of people there?
—Yes.

6337. What time in the day was it when you got there?—Ten or 11 o’clock, I think, it was.

6338. Mr. Baron *Martin*.] In the morning or the evening?—In the morning.

6339. Mr. *Waddy*.] How many persons were present in the room?—It was quite full.

6340. Did you see any drinking going on?
Yes, I did.

6341. What did you see?—There was a pitcher full of beer in the room, and anyone that was in could drink.

6342. Did you, after that, see Mr. Lockwood Stephenson?—

6343. Mr. Baron *Martin*.] You did not pay anything for it?—I did not see anything paid.

6344. Did you see anybody pay anything for it?—No.

6345. Mr. *Waddy*.] Was that in the committee-room downstairs?—Yes.

6346. Did you go into the committee-room upstairs?—No.

6347. Did you see that day Mr. Lockwood Stephenson?—Yes, I did.

6348. Where did you see him?—At his own house.

6349. What time did you go there?—About nine o’clock, or that to half-past, in the morning.

6350. Had he before asked you to go there?
Yes.

6351. For what purpose?—For some little help that wanted during the day.

6352. What did you do in the morning at his house?—I cut up a few sandwiches.

6353. How many sandwiches did you cut up?
—I cut up a niceish piece of beef and a shoulder of bacon.

6354. Mr. Baron *Martin*.] You are a butcher?
—Yes.

6355. Mr. *Waddy*.] You cut up a shoulder of bacon, did you?—Yes.

6356. Did anyone help you to do that?—Yes.

6357. Who helped you?—His servant.

6358. After you had cut up the sandwiches, what became of them?—I took them partly to the “Horse Shoes,” and to Mr. Hill’s; twobaskets of sandwiches.

6359. Did you take sandwiches anywhere else besides those that went to Mr. Hill’s?—Yes.

6360. Where to?—To a private house just before you come to the “Horse Shoes,” Mr. Steale’s.

6361. Was there any committee going on there?—For anything I know there was.

6362. And committee-men sitting there?
Yes.

6363. Were there any bills about the house?
—I cannot say.

6364. Did you take some sandwiches anywhere else?—Yes.

6365. Where did you take them?—To Mr. Illingworth’s school-room.

6366. Did you see who had the sandwiches; who ate them at those places?—Not particular; no names particularly.

6367. Were they given to any persons in particular?—Anybody that was in the room, barring the school-room. I took in the basket and left it till it was emptied, and then called for it again.

6368. And took some more?—I went twice.

6369. To the school-room?—Yes.

6370. Illingworth’s school-room?—Yes.

6371. Do you know, of your own knowledge, whether the people there were voters or not?
—I cannot say.

Mr. Serjeant *Ballantine* stated that he had no question to ask the witness.

[The Witness withdrew.]

JOHN HOLLEN, sworn; Examined by Mr. Price.

6372. You have very bad eyesight, I believe?
—I am a hawker.

6373. Do you live in Providence-street?
Yes.

6374. Are you a voter in the West Ward?
Yes.

6375. For whom did you vote at the last election?—For Mr. Forster and Mr. Miall.

6376. Were you employed by anyone to canvass?—No, I was not employed by anyone to canvass; my name was down for working.

W. Fox.
30 January
1869.

J. Hollen.

J. Hollen. 6377. Do you know Mr. Robershaw; did he put your name down?—No, he did not.
 6378. Who did?—A man called James Hart.
 6379. What for?—For working two days.
 6380. Canvassing?—Yes.

Mr. Serjeant Ballantine.] He said "working," not canvassing.

6381. *Mr. Price.*] What work did you do?—I tried to get up voters.

6382. And you voted?—Yes.

6383. How much were you to get?—I expected to get about 5s. a day.

6384. How much did you get?—When they came to know that I was a voter, I got nothing.

6385. When did they come to know that you were a voter?—They came to know that I was a voter after the election was over.

6386. Then they gave you nothing?—No.

6387. Did you see Mr. Dracup at all?—Yes; all that day nearly; many a time during that day.

6388. Where did you see him?—I saw him at the "Robin Hood," and at the "Travellers' Rest."

6389. Were you employed at those two houses?—Yes.

6390. For how many weeks?—I was not employed at all only for two days. I visited those houses happen eight or nine weeks before the election came on.

6391. Were they Forster and Miall's houses?—Yes.

6392. When you visited them, what did you see going on in those houses?—I saw some Irish committee meeting nearly every night in the week, in one house or another.

6393. Were they drinking?—Yes, they had drink every night.

6394. Did you get any?—I paid for my own, and I see'd other men do the same.

6395. You paid for your own?—Yes.

6396. Was that always so when you were there?—Always so, only one night.

6397. What night was that?—The night that that Mr. Forster and Miall were on the lave, and after they went away Dracup came in.

6398. What did he do?—He fetched his family with him to enjoy themselves a bit. I played the violin, and he paid for a few gallons of ale that night.

6399. How much did he pay?—When he paid for them he had six or seven of his own family with him.

6400. His own children?—His children and his daughter's husband's that were with him, and two or three of his own daughters.

6401. *Mr. Baron Martin.*] Some young women?—Yes.

6402. *Mr. Price.*] Were any voters there, that you knew, that got drink?—There were voters, and they were paying for their own; he paid for those in my own company, and for his own children.

6403. Anybody else?—For anybody that liked to take a sup of it.

6404. Anybody that liked might have supped; that was what you saw; do you know Mr. Middleton, a druggist?—Yes.

6405. Did you see him at the "Robin Hood" at any time?—Yes; one night.

6406. Did he pay for anything?—He paid for one gallon of beer.

6407. Is the "Robin Hood" a Miall house?—Yes.

6408. Were there several people that came in?—Yes; there was not a deal there that night, but I saw him pay.

6409. Were they voters, or non-voters?—Both, I should say.

6410. Did they get drunk?—They supped out of this ale as far as it went; one gallon of beer.

6411. Did you hear him say anything?—No; I hear him say a song.

6412. Did you hear him say, "Drink on, lads; we will have Forster and Miall at the head of the poll"; and sing a song after that?—He did not say "Drink on, lads"; he said that Forster and Miall were at the head of the poll.

6413. Did he not say, "Drink on, lads"?—He did not.

6414. Never?—No.

6415. Were you with Mr. Dracup last night?—I never—

Mr. Serjeant Ballantine objected to *Mr. Price* cross-examining the Witness.

Mr. Price stated that he only wished to ask the Witness whether he had not made a certain statement.

Mr. Baron Martin.] Go on.

6416. *Mr. Price.*] He did not say "Drink on"?—No; he said, "We ought to have Forster and Miall at the head of the poll, and go to the poll sober."

6417. Do you know the chairman at the "Robin Hood," and did you see him pay for anything?—Yes; I saw him pay for one gallon of beer.

6418. Was that at the time when the committee was sitting there?—Yes.

6419. He was the chairman?—Yes; I paid for part myself the same night that he did.

6420. Who partook of that gallon which the chairman paid for?—He had two or three neighbours about him sitting.

6421. Were they voters?—I cannot say. I expect there would be both in the place.

6422. Were they committee men?—No.

6423. Are you sure of that?—The committee were left when he paid.

6424. What did he talk about?—About the election.

Mr. Serjeant Ballantine stated that he had no question to put to the Witness.

The Witness withdrew.]

THOMAS DUFFY, sworn; Examined by *Mr. Waudy.*

T. Duffy. 6425. ARE you a Labourer, living in Vincent-street, Bradford?—Yes.

6426. You are not a voter, are you?—No.

6427. Do you remember some time before the late election that there was a committee-room of Mr. Miall and Mr. Forster at the "Robin

Hood," and in the "Fitzgerald Arms"?—Yes; there was.

6428. Did you go to those houses at all before the election?—Yes.

6429. Do you remember when the municipal election took place?—Yes.

6430. Did

T. Duffy.
30 January
1869.

6430. Did you go to the "Robin Hood" between the municipal election, and the election of Mr. Forster and Miall afterwards?—Yes, I did.

6431. When you went there how many persons were there?—I cannot tell; a room-full sometimes; sometimes more, and sometimes less.

6432. When you were there, and when the room was full, did you see beer brought up?—Yes, I saw it brought up.

6433. How much did you see brought up?—I cannot tell you; it lasted half-an-hour supping it, when I was in.

6434. Did you get any yourself?—Yes, I did.

6435. Did you pay for what you got?—No, no pay was axed for.

6436. What words did you use?—I said, no pay was axed for.

6437. Do you know whether there were voters or non-voters there?—There were voters there.

6438. Did they all drink?—Yes, anybody might.

6439. Did you see anybody pay for this drink?—No, I did not.

6440. How often were you there when this kind of thing was going on?—I think twice at the "Robin Hood," as near as I can tell.

6441. The "Fitzgerald Arms," did you ever go there?—Yes, I have been there.

6442. About that time, I mean, did you go there?—Yes.

6443. Did you see drink going on there?—Yes.

6444. In the same way as at the "Robin Hood"?—Yes.

6445. Did you ever get anything there to drink?—Yes.

6446. Did you ever pay for any there?—Yes; I generally went in first at the beginning of the night, and got a pint, and paid for it; what drink came in when nobody paid for as I seed.

6447. Do you know the "Plasterers' Arms"?—Yes.

6448. Did you go to the "Plasterers' Arms" between the municipal election and the parliamentary election?—Yes; there was no meeting there; I went one day and I saw no beer but what I paid for myself.

6449. What time of the day was it; in the morning or the afternoon?—Something about the dinner hour.

6450. There was no committee-meeting?—No, I went in of my own accord; that was the only time.

6451. Do you know the "Traveller's Rest"?—Yes.

6452. Were you there between the municipal and parliamentary elections?—Yes, I was.

6453. When did you go there; what time?—After doing my day's work; at night.

6454. Was there a committee-meeting of Forster and Miall there?—Yes.

6455. Was anybody drinking beer there?—Yes.

6456. Did you get some?—Yes, I did.

6457. Did you pay for it?—No.

6458. Did you see anybody pay for it?—No, I did not.

6459. Were you asked whether you were a committee-man, or a canvasser?—No, I was not.

6460. Was there any check kept as to the people that came in and out?—No, there was none.

6461. Were there both voters and non-voters there?—Yes, there were.

6462. Do you remember whom you saw at the "Fitzgerald Arms"; did you see the principal man there?—I did not know the principal man.

6463. Who had the management of the place?—Nobody had the management, unless they took it upon themselves like there.

6464. Do you remember the landlady saying something about who would pay her for the ale; did you see Herd there?—Robert Herd, yes.

6465. Was anybody else there; did you see Dracup there?—I did see Dracup there.

6466. Did you see a man called Gillan there?—Yes, I did.

6467. Did you hear the landlady say anything to Herd, or Dracup, or Gillan in their presence as to who paid for the beer?—

Mr. Serjeant *Ballantine* objected to the question.

6468. Mr. *Price*.] Did you hear anything said by the landlady in the presence of Herd or Dracup about who paid for the beer?—Not in the presence of them.

6469. Do you remember a row taking place at Brennan's house; which house is that?—The "Labourers Arms."

6470. Do you remember some damage being done there?—No.

6471. Or at Nockton's house?—Yes; there was some done there, I think, and at the "Bobbin Turners Arms."

6472. Were you charged with having done that damage?—Yes.

6473. I believe you had the misfortune to be fined for it, had you not?—£. 6. 14 s.

6474. You were fined, you say?—Yes.

Mr. Serjeant *Ballantine* objected to the question as being irrelevant.

Mr. *Price* submitted that his learned friend might ask whether the witness had paid any money.

Mr. Serjeant *Ballantine* objected to his learned friend cross-examining the witness.

Mr. *Price* contended that it was no cross-examination, and that his learned friend wanted merely to get out a fact against Dracup.

6475. Mr. *Waddy* (to the *Witness*).] Did you actually pay any money?—No, I did not.

6476. They put you in prison, did they not?—At the police station.

6477. When you came out, who was waiting to take you away?—All that I knew there was Dracup.

Mr. Baron *Martin*.] This man is not a voter.

Mr. *Waddy*.] No, my Lord.

Mr. Serjeant *Ballantine* stated that he had no question to put to the *Witness*.

[The *Witness* withdrew.

Mr. RICHARD SMITH, sworn; Examined by Mr. Price.

Mr.
R. Smith.
30 January
1869.

6478. ARE you a voter, living in Vincent-street in the West Ward?—Yes.

6479. Were you canvassed by anybody on behalf of the candidates at the last election?—Yes; Abraham Dracup and Michael Burns.

6480. For whom were you canvassed?—For Miall and Forster.

6481. When they canvassed you, did you see whether they put you down or had a book?—

They had a book; I did not take notice whether they put me down.

6482. Did they go about to other places?—Yes, Dracup did, but not Burns.

6483. In the same street?—Yes.

Mr. Serjeant Ballantine stated that he had no question to put to the Witness.

[The Witness withdrew.]

DANIEL HOLLAND, sworn; Examined by Mr. Waddy.

D. Holland.

6484. ARE you a Hawker, living in Keighley-street?—Yes.

6485. Are you a voter in the West Ward?—Yes.

6486. Did you vote at the last election for Forster and Miall?—Yes.

6487. Do you remember a committee sitting at the "FitzGerald Arms" and "Robin Hood," at the "Travellers Rest," and the "Plasterers Arms" in Tilsbridge-lane?—Yes.

6488. Do you remember how long before the election they sat for Forster and Miall?—Yes.

6489. How long?—About nine weeks.

6490. Were you on the Committee at the "Travellers' Rest"?—Yes.

6491. Were you a canvasser?—Yes.

6492. Had you a book given you?—Yes.

6493. Were there any other voters canvassers?—Yes; I believe there was.

6494. Were all the voters that came there put on the committee?—Yes.

6495. Who first came to you and canvassed you to vote for Forster and Miall?—They call him "Marvel."

6496. Was anybody with him?—There was no one with him when he first came to me.

6497. Did he come again with somebody else?—He fetched me to the committee-room first.

6498. Whom did you see there?—I saw Dracup there, and Mr. Robertshaw, and Mr. Illingworth.

6499. Alfred Illingworth?—Yes; I believe so.

6500. Which of the Robertshaws was it, Luther or Calvin?—They call him Calvin Robertshaw.

6501. When you were at the committee-room, was anything said to you about being employed as a canvasser?—Marvel employed me, and he said that he would see that I got paid for it, if I would go and be a canvasser.

6502. Was that said in the committee-room?—Yes.

6503. Was any one else present when he said it?—There were happen 40 or 50 in, and sometimes less.

6504. Was either Mr. Robertshaw or Mr. Dracup there?—Yes, they was.

6505. One or both?—They were both there.

6506. Did you go sometimes from one of those houses to the other?—Yes, I did.

6507. And at all of those houses was there drink supplied; which was your principal committee-room; you were on a committee?—The "Labourers Arms."

6508. At the "Labourers Arms" was drink supplied; beer?—Some nights there was a gallon of ale come up by the landlord, and some nights there was none at all.

6509. Did you get your share of it when it did come up?—Yes, I got my share.

6510. Did you ever pay for it?—I paid for a pint or two sometimes when there were not many in, you know.

6511. Was it early in the evening, or late in the evening, when you paid?—Sometimes it was about half-past seven o'clock.

6512. Then what time did the committee meet there generally?—Eight o'clock.

6513. Who took the chair?—I saw different people taking it at times; I have seen Mr. Dracup sit in the chair once or twice, and I believe Mr. Robertshaw,

6514. After that did you ever pay for any beer that you had after Mr. Dracup and Mr. Robertshaw came to the house?—Yes; when they went away I had a pint or two after by myself.

6515. While Mr. Dracup and Mr. Robertshaw were at the house, did you pay for any beer that was brought up?—No, I did not.

6516. While they were at the house, was beer brought up into the room?—Yes, there was beer brought up into the room by the landlord.

6517. How much did he bring up?—Some nights there happen to be three gallons come up, and other nights about two, and so on.

6518. As to the beer, that was brought up in this way; did the company there drink it, or was it confined to one or two persons?—No, every one got it.

6519. Was it "tolled" round to the company?—Yes.

6520. Did you see any body pay for it?—No, I did not.

6521. Were you present at the "FitzGerald Inn" once when Messrs. Forster and Miall came there?—Yes, I was.

6522. And they spoke in the room, did they?—Yes.

6523. On that occasion, when Messrs Forster and Miall were there, can you tell me the names of some other persons that were there as well?—Yes; there was Mr. Illingworth, Mr. Kell, Mr. Robertshaw, and two or three other gentlemen.

6524. Was Mr. Dracup there then?—Yes, he was.

6525. Did you ever apply to any of those people to be paid for the canvassing?—I went to Marvel and asked him, "Was I going to be paid for canvassing?" and he said, "Well, you must wait till things are settled, and you will see whether we do not pay you"; I said, "I cannot afford to lose my time"; I have waited, but I have not got paid.

6526. Did he say what would happen when the election was settled?—He said that I should be paid.

6527. Mr.

6527. Mr. Baron *Martin*.] When the election was settled?—Yes.

6528. Mr. *Waddy*.] When was it that this conversation took place; was it before or after the election?—It was after.

6529. Have you applied to Herd for payment?—I have asked him once. I believe I asked him twice; did he think I should be paid,

and he said that he did not know, but that I should be paid in time; he did not know much about it at present.

6530. Have you asked Mr. Dracup for payment?—No, I have not.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

PETER BINNS, sworn; Examined by Mr. *Price*.

6531. Do you live at No. 47 Gracechurch-street, and are you a Beerhouse Keeper?—Yes.

6532. Do you know Sylvester Dean?—Yes.

6533. What is he?—He has been an agent for Messrs. Miall and Forster for the last six or seven months.

6534. What had he done in electioneering?—He used to come into our house of a night to see persons.

6535. What did he come to your house for?—To pay for the beer for the voters.

6536. Was your's a committee-house?—It was for Mr. Ripley; he wanted to persuade me to come over to their side, and I would not.

6537. Where did he pay for this beer?—Sylvey Dean used to pay for it.

6538. Who were the persons that got this beer that Sylvey Dean paid for?—Martin Haley, William Delaney, and James Hogan.

6539. Were they all Irishmen?—Yes.

6540. Were they voters?—Yes.

6541. Mr. Baron *Martin*.] And they got beer?—Yes.

6542. Mr. *Price*.] How many persons have you seen at a time, drinking there, pay for what they had if they did?—I never let more than four or five persons come into our house at any time.

6543. How often has Dean been to your house paying for beer in this way?—He might have been four or five times.

6544. Did he say anything about the election to those men?—Yes; he used to talk about it regularly; he tried to persuade me to come, and I said I would not come over for 100 l.

6545. Did he say anything to those other voters?—We talked amongst one another.

6546. When did he cease to come to your house?—About a month before the election; I sent him off.

6547. Why?—Because we got a faction about

the election, and I told him that I would not have him there.

Cross-examined by Mr. Serjeant *Ballantine*.

6548. Were you examined upon Mr. Ripley's petition?—No; they never called me on that side.

6549. Were you called on the other side?—They called me on both sides.

6550. Are you the person that was mentioned by Patrick Murphy?—Yes.

6551. You are a shopkeeper and an ale-seller?—Yes.

6552. You heard Patrick Murphy say that you gave him 3 l. 10 s., did you not?—Yes; I did understand so.

6553. And two barrels of beer?—Yes; I heard him say so. I am the man that he made the charge against.

6554. You were not called, you say?—Never; because they dares not call me. They subpoenaed a person of the name of James Brown to come and swear against me; they thought that he was a witness on their side; he would have floored them, being on my side, but they never called him; if they had called him he would have been on my side, if he had got up, but they never called James Brown nor me.

6555. Mr. *Price*.] Was what Murphy said true, that you had paid him 3 l. 10 s., and gave him two barrels of beer?—No, not a word of that. I asked him for a receipt, but they never produced that receipt; they said that the receipt I gave him was five years old. I say there is nothing upon that receipt but what is more than four months old.

6556. What was the receipt?—It was a right receipt; he owed me better than 5 l.

[The Witness withdrew.

JEREMIAH DONOGHUE, sworn; Examined by Mr. *Waddy*.

6557. ARE you a Striker, living in Vincent-street, Silsbridge-lane?—Yes.

6558. Mr. Baron *Martin*.] A Smith?—Yes.

6559. Mr. *Waddy*.] Were you a member of one of Forster and Miall's committees?—No, I was not; I was a canvasser.

6560. Who employed you?—I was employed by James Hart.

6561. Did you get a canvass-book?—I got two cards.

6562. Where did you get them from?—I got them at the "Robin Hood" door.

6563. Who gave them to you?—Mr. Crossley Haywood gave them to me.

6564. Did you see Mr. Dracup about your employment?—I have seen him on several occasions at the "Robin Hood."

6565. Did you go to the committee-room to report what you had been doing on your canvass?—The canvass cards were checked every half-hour on the day of the poll.

6566. Had you any card or book before the day of the poll?—No.

6567. When were you first employed by any body at the "Robin Hood," in connection with the election?—About three or four days before the election; before the polling.

6568. What were you employed to do before the

D. Holland.
—
30 January
1869.

P. Binns.
—

J. Donoghue.
—

J. Donoghue.
30 January
1869.

the poll?—I was employed to canvass. I did not canvass anybody at that time.

6569. Were you employed to do any work on days before the poll?—No, not that I know of.

6570. Did you go to the committee-room?—Yes; I visited it on several occasions when there were meetings held there.

6571. That was at the “Robin Hood”?—Yes.

6572. When you were there did you see any beer brought up?—Yes.

6573. Did you get any of it?—I had got some of it.

6574. Did you pay for it?—No.

6575. Were you ever asked to pay for it?—No, I was not.

6576. On the occasions when this beer was being drunk, did everybody partake of it?—Yes; everybody in the room that had a mind got a share of it; it was “burled” round in a pitcher.

6577. Were there both voters and non-voters there?—Yes.

6578. Did you see anybody pay for it?—No.

6579. At the time that this was going on, what was being done in the room?—Speeches were made during the time sometimes; speeches in favour of Forster and Miall.

6580. How long before the election was it that you first began to attend the committee?—I had

attended the Forster and Miall meetings in the “Robin Hood” soon after the municipal election.

6581. Did you attend them frequently after that?—I attended them some nights, and some nights I did not.

6582. Do you remember Forster and Miall coming to the “Robin Hood”?—Yes.

6583. And a meeting being held there?—Yes.

6584. And they spoke, did they?—Yes, they did.

6585. Can you tell me the names of any gentlemen who were there with them that night?—I did not know the names of any.

6586. Mr. Middleton and Mr. Lancaster?—Yes.

6587. Mr. Middleton is a druggist, is he not?—Yes.

6588. Did you see whether those gentlemen came with Mr. Forster and Mr. Miall?—I could not say whether they did or not.

6589. Was Dracup there that night?—I could not say.

6590. Or Herd?—I could not say that I saw either of them.

Mr. Serjeant *Ballantine* stated that he had no question to ask the Witness.

[The Witness withdrew.]

MARTIN PURCELL, sworn; Examined by Mr. *Price*.

M. Purcell.

6591. ARE you a Cotton-spinner?—Yes.

6592. You are not a voter, I believe?—No.

6593. Were you at the “Robin Hood” beer-house on any occasion before the last election?—I was there on no occasion; I went the same as several others, I went to see the election going on.

6594. You were there?—Yes.

6595. What was going on while you were there?—I went to hear a man giving lectures.

6596. What about?—Mr. Forster and Mr. Miall.

6597. Where did you go?—I only attended two houses all the time I was there.

6598. I am talking of the “Robin Hood”; how often did you go there while those lectures were going on?—I attended there regularly.

6599. Every night?—I cannot say every night.

6600. For how long a time before the election did you attend there regularly?—I went there; I never had been accustomed to go anywhere else.

6601. Did you go there regularly at the time of the election?—Yes, I went there both before and after the election.

6602. What room did you go into?—Into all the rooms in the house.

6603. Do you know the room that was used as a committee-room?—I went up into the committee-room.

6604. Whom did you see there at any time in the committee-room?—The chairman was Mr. Crossley Haywood.

6605. Had you seen Mr. Robertshaw there?—Yes.

6606. Which of them was it?—I cannot tell one from the other.

6607. You had seen Mr. Robertshaw there?—Yes.

6608. Had you seen ale brought up into the room while you were there?—Yes; I had seen it brought up in the room; the same as every working man, I had to pay for it myself.

6609. For all that was taken?—Yes, I saw everyone in the house pay for his own ale, several times.

6610. Have you seen beer brought up when Mr. Haywood was in the chair?—Yes, I have.

6611. Was it paid for?—I cannot say; I never saw any man pay for it; I cannot mention any man's name that did pay for it.

6612. Did you partake of the beer yourself that was brought up?—Yes.

6613. Was it “toll’d” round to the company?—Yes.

6614. How much was there?—I cannot say.

6615. Was there a gallon or two?—There might be a gallon or two, there might be less, and there might be more; I cannot say what it was.

6616. Have you seen Dracup there?—Yes.

6617. Did you see him often?—I cannot say; I have seen him once or twice, I cannot say many times.

6618. Have you heard him order anything while he was there?—Yes, I heard him order one night after the election was over; he came in the night of the election, after it was over, there were a large room full of us young chaps, and he said, “Have you nought to sup,” he says, and I believe he ordered 3 s. or 4 s. worth.

6619. Had you seen him there before the election?—Yes.

6620. Had you heard him order up anything before the election?—Not that I can say.

6621. No

6621. No ale?—No.
 6622. Has it been brought up while he was there?—Yes.
 6623. What then?—Nothing.
 6624. Have you seen Marvel there?—I have seen Marvel, but not in the “Robin Hood”; it was at Thomas McDermott’s.
 6625. What house is that?—It is a beershop.
 6626. What is the name of it?—I cannot tell you, not fairly.
 6627. Is it called the “Labourers’ Arms”?—I think so.
 6628. Was there a committee-room of Forster and Miall there?—Yes, I know there was.
 6629. Had you seen Marvel sitting there in the chair?—I have been in the house when he was there, but—
 6630. Have you seen beer brought in whilst he was there with a “but”?—Yes.
 6631. Did you see Dracup take any part in the election?—No, I have not.
 6632. Did you go about yourself at all?—Yes.
 6633. But you never saw Mr. Dracup take any active part in it?—Not that I can say; I did not see Dracup knock about that day at all, the day of the election.

6634. Did you see Dracup at any time going about upon different committees, and taking an active part in the election?—I only saw him attending one house; I believe the house that he used to attend was the “Robin Hood.”
 6635. How often have you seen him there?—I cannot say; I had seen him before and after several times.
 6636. Had you seen him a dozen times before the election?—I cannot say a dozen times; I cannot swear to it.
 6637. Have you seen beer brought up while he has been there on every occasion?—I have seen beer come in.
 6638. Who ordered it?—I cannot say, but I have seen it come in.
 6639. But you heard nobody give the order, and saw nobody pay?—No, the same as I told you before.

Mr. Serjeant *Ballantine* stated that he had no question to ask the Witness.

[The Witness withdrew.

CAROLINE RUSHWORTH, sworn; Examined by Mr. *Waddy*.

6640. ARE you the wife of William Rushworth of Bradford?—Yes.
 6641. Of White Abbey?—Yes.
 6642. On 17th of November, the polling day, did you know Dean?—Yes.
 6643. Sylvester Dean?—Yes.
 6644. Did you see him on the 17th of November?—Yes, I did.
 6645. What did you see him do?—I saw him take some drink into John Steele’s committee-house; beer.
 6646. Where did he take it from?—From the “Three Horse Shoes.”
 6647. Is that Mr. Hill’s house?—Yes, John Hill’s.

6648. Do you know how much he took?—I saw him take a pitcherful, something about ten, and an hour afterwards I saw him take another.
 6649. Mr. Baron *Martin*.] A gallon?—I do not know; I saw him take a pitcherful; I could not tell what it was; he only took some twice; I saw him twice.
 6650. Mr. *Waddy*.] Was Mr. Steele’s a Forster-and-Miall committee house?—Yes, it was.

Mr. Serjeant *Ballantine* stated that he had no question to put to the Witness.

[The Witness withdrew.

GEORGE GRAYSON sworn; Examined by Mr. *Waddy*.

6651. Do you live in Hind-street, White Abbey, Bradford?—Yes.
 6652. On the Sunday before the election, the 15th November, did Sylvester Dean come to you at your house?—Yes.
 6653. Did he ask you to go somewhere?—He axed me to go with him to have a sup of beer.
 6654. Where to?—William Firth’s, “Fleece” Inn, White Abbey.
 6655. Was that a committee-room?—Yes.
 6656. For whom was it?—Mr. Forster and Mr. Miall.
 6657. When you got there, did he order anything?—Yes, he ordered some half-gills of ale, first one and then another; there was only one pitcher going that I seed there.
 6658. What did he do with it when it came in?—He “burled” it round to the company.
 6659. While this was going on, did he say anything to you?—No, nothing but “Drink on,” as the time was short; it was getting close to three o’clock fast.
 6660. Did he talk about the election at all?—No; I heard no election mentioned that day; they were all going on with the ale.

6661. How many people were there there?—It was crammed, it was full.
 6662. Were there both voters and non-voters there?—Yes, both sorts.
 6663. Before Mr. Dean took you to the “Fleece” Inn, did he ask you for anything as to the election?—He asked me for my vote.
 6664. Was anything said by him about your vote that day, as you were going to the “Fleece” Inn?—No, it was never mentioned.
 6665. I believe you voted for Mr. Ripley?—Yes.
 6666. After the election, did you see Mr. Dean?—Yes, I saw him after.
 6667. Did Dean say anything to you about the election then?—Yes; hs said that I had turned to Mr. Ripley, and he had a good mind to throw a pitcher in my face.
 6668. When you saw Mr. Dean, had he a book in his hand?—Yes.
 6669. What kind of book was it?—It was a canvass-book when he came to our house, and he asked me to vote.
 6670. When was that?—A few weeks before the election.

G. Grayson. Cross-examined by Mr. Serjeant *Ballantine*.
 30 January 1869. 6671. What are your principles?—I thought Mr. Ripley was the man for me, and I let him have my vote. I heard them spoken of on both

sides, and I chose Mr. Ripley out of the job lot.

6672. That is an expressive term in Bradford, "a job lot," is it not?—Yes.

[The Witness withdrew.]

THOMAS CRAVEN, sworn; Examined by Mr. *Price*.

T. Craven. 6673. Do you live in Picton-street, Manningham?—Yes.

6674. Did you go to the "Three Horse Shoes," White Abbey, about the 14th of November last?—I did.

6675. That was a committee-room, was not it?—Yes.

6676. For Forster and Miall?—Yes.

6677. What time did you go there?—It would be between seven and eight o'clock in the evening.

6678. Where did you go; what part of the house?—It was in the tap-room.

6679. Were there any persons there besides you?—There would be 20, I should say, perhaps.

6680. Do you know whether they were voters or not?—There were both voters and non-voters.

6681. While you were there, what was going on?—They were fetching half-gallons in; they

were bringing them in the beer and "burling" them round.

6682. How long did that continue while you were there?—I should say, perhaps, a quarter of an hour.

6683. How many gallons did you see consumed in that time?—Three jugs were brought in while I was there; they were "burling" it as fast as they could "burl" it.

6684. It was drunk as fast as it could be "burled"?—Yes.

6685. Who paid for it?—I did not see anyone pay for it.

6686. Did you get some?—I did not.

Mr. Serjeant *Ballantine* stated that he had no question to ask the Witness.

[The Witness withdrew.]

MICHAEL MAYES, sworn; Examined by Mr. *Waddy*.

M. Mayes. 6687. What are you?—A beer-shop keeper.

6688. Were you engaged during last October for Mr. Ripley?—At first I was.

6689. How long was your house used as a committee-room for Mr. Ripley?—From Friday till Tuesday the 14th.

6690. In the first instance, for how long was it?—It was for a fortnight on first beginning, and it was occupied by them.

6691. After that I believe it was changed to Forster and Miall?—Yes, it was.

6692. How long was it used by Forster and Miall?—It was used at three meetings.

6693. For how long?—I cannot exactly say.

6694. Were they all in one week or in three weeks?—In three different weeks; there was two one week.

6695. Who engaged the room from you for Forster and Miall?—Mr. Dracup and Robert Herd.

6696. When they came to engage it, did you get a written or a printed agreement?—No, I did not.

6697. What was the agreement you made with Mr. Dracup for the room?—He said that he was giving 6 l. for rooms, and that he would give the same to me.

6698. Until when?—Until the election would be over.

6699. What did you say to that?—I said nothing to him any way; I told him that I did not like to put a neighbour against me, but Mr. Ripley had taken it from the beginning; I did not promise him my vote.

6700. Have you been paid for the rent of your room?—No, I was not.

6701. You have told us that they held three meetings at your house; when was the last of them, as near as you can remember?—It was about a fortnight before the election, but I cannot speak to the day.

6702. Before the election, I believe, you came round, and you were a Ripley committee-room again?—Yes, I was.

6703. When your room was a Forster and Miall room was beer supplied?—Yes, there was beer.

6704. Was it supplied to the company generally?—Yes, it was supplied to all hands.

6705. Who ordered the beer?—Abraham Dracup and Robert Herd.

6706. And they paid for it, you say?—Yes.

6707. What orders did they give you; first, as to Dracup; with regard to the beer, how was it to be distributed?—I brought two gallons up the first night they sat there.

6708. What did he say as to who was to have it?—He never mentioned anything of the sort; I just left it on the table.

6709. That was the first night; were two gallons there that were supplied the first night?—Yes.

6710. On the next night how much was supplied?—About the same quantity.

6711. Who had ordered that?—Abraham Dracup and Herd.

6712. Who paid for it?—They paid for it.

6713. On the third night, what was done; how much was here?—I cannot exactly say.

6714. Did you serve any of it round?—I left it on the table; I do not know; I did not take it down in writing, but I just brought it on the table the third night.

6715. How many people were there in the room?—There was a very large room full.

6716. Were there voters and non-voters there?—Yes, there were.

6717. Was there any check upon the people who went into the room or came out of it?—There was not that I was aware of.

6718. During the time that your house was a Forster and Miall house did either of them come to it?—Yes, they did once.

6719. Both together?—Yes, both together.

6720. Did you keep any account of the beer that was supplied?—I generally get a bit of chalk in the bar, and I chalked it down in the bar.

6721. Was

6721. Was this beer that was supplied chalked up?—Yes, it was.

6722. Do you mean that you chalked it up every night, or only on one occasion?—Just as the waiter brought it in; I did not fill it or bring it up; the misses filled it up.

6723. Who paid for it and chalked it up?—Middleton paid one night about 2 s.

6724. Who else was there?—Nobody else not that night. On the other night it was paid for by Dracup and Herd.

Cross-examined by Mr. Serjeant *Ballantine*.

6725. How much was paid?—They paid for about two gallons each night.

6726. What would that come to?—Sometimes it was what they call fourpenny ale, and sometimes it was the best ale.

6727. Your house was taken, was it not, for 12 weeks by Miall and Forster?—Very likely it was 12 weeks.

6728. And they were to pay you 6 l. for it, were they not?—Yes.

6729. And at the end of a fortnight you turned them out?—Yes.

6730. When did they take your house?—Poole had it taken first for about nearly a fortnight before I agreed to give them the room.

6731. When was that?—In October.

6732. But they were out by the end of October?—Yes.

6733. I believe you made a mild remonstrance to them that it was of no use having such dry people in your house?—Well, of course —

6734. That was so, was it not?—Yes, it was so in fact; I was not in the tap-room with them.

6735. I believe they have refused to pay you a single farthing?—Which party?

6736. Forster and Miall?—They gave me nothing.

Re-examined by Mr. *Price*.

6737. Before you turned them out were you threatened at all?—I was not.

[The Witness withdrew.]

Mrs. MERINDA MILNER, sworn; Examined by Mr. *Price*.

6738. ARE you the wife of Jesse Milner, fitter at the Bowling Iron Works?—Yes.

6739. Were you employed on the day of the election at the "Napoleon" inn?—Yes, I was.

6740. On the nomination day or the polling day?—On the nomination day.

6741. What were you doing there that day?—I was helping to cut the beef up.

6742. At what time did you go there in the morning?—About half-past nine.

6743. Had you been there the night before to cook?—No.

6744. Were you there the night before?—I went there, but I did not do very little.

6745. Did you see any cooking going on the night before?—Yes, a hind lift of beef.

6746. What part is that of the ox?—It was roasted before the fire.

6747. Is it a large joint?—Yes; I think it is about 50 pounds.

6748. How many of these "lifts" did you see cooked?—Only one.

6749. The next day you went to assist to cut it up?—Yes.

6750. Were there any hams?—One.

6751. Were there any stews cooked?—Yes, two stews.

6752. How was that all disposed of?—A cloth was laid on the table and they came in; perhaps sometimes nine came together.

6753. Before they went into the room where the spread was for them, did they show anything?—Yes, they showed a card.

6754. Could you see the colour of it?—Yes; it was a yellow one.

6755. Was that the Forster and Miall colour?—Yes.

6756. They showed this card?—Yes.

6757. To whom was it shown?—I did not know him, but his name was Smith.

6758. Where was he standing?—He was standing at the door.

6759. When they went in did you hear anything said by any of them?—I only heard who they voted for.

6760. For whom did they say they had voted?

—They said they had voted for Forster and Miall.

6761. Had they anything besides food; any drink?—Yes.

6762. I believe that all you have told us of was consumed, and then you had to set to work to cook beefsteaks?—Yes.

6763. How many do you think came altogether?—I cannot say.

6764. Mr. Baron *Martin*.] Did you understand that they had voted, and came there after they had voted?—Yes.

6765. Mr. *Price*.] How many do you think came altogether?—I cannot say for that.

6766. Thirty or forty?—Above that; I was kept again all the day.

6767. What had they to drink?—Some had coffee.

6768. Anything else?—Some had beer.

6769. Up to what hour on that day were those refreshments supplied to them?—It stopped at about half-past three.

6770. I believe you had Mr. Ripley's colours on?—I might have had.

6771. Blue?—Yes.

6772. And you were ordered to take them off, were you not?—Well, I did so.

6773. Had you to cook in a great hurry?—Yes.

6774. So great, I believe, that some of the steaks were cooked in the pomatum-pot?—Yes.

6775. Did they have cigars and bottles of ale?—Yes, they had.

6776. Mr. Thornton is the landlord, is he not?—Mr. Henry Thornton is.

6777. At about three o'clock did you hear any orders given?—No; I did not hear any, but some one came down and said that they were to stop a little, to see how they were going on.

6778. How what was going on?—To see how they were getting on at the polling.

6779. What was said afterwards?—They came down and a gentleman said that there was no more to be cooked.

6780. Why was that?—Because they were not winning the day, I expect.

6781. Did

M. Mayes.
30 January
1869.

Mrs.
M. Milner.
—

Mrs. 6781. Did you see one particular man with
M. Milner. Mr. Smith who made a disturbance because he
 did not get anything?—Yes; he was an Irish-
 man, but I did not know him.

30 January 1869. 6782. What did he say to Smith?—They ob-
 jected to him for coming, first because he had lost
 his card with getting in to vote, and he said that
 if he had known he would have voted for Mr.
 Ripley.

6783. What did Mr. Smith then do?—He
 ordered him forward to sit down.

6784. And he had refreshments, I suppose?—
 Yes, he had.

6785. Did you serve up any part of what was
 eaten and drank on that day?—I chalked it down
 on the cupboard door.

6786. Does Thornton the landlord keep
 books?—I believe he does.

6787. Have you seen books like account
 books?—No; I did not see him put it down in a
 book.

6788. When you have been there at other
 times have you seen whether he had his books to
 put those things down?—No, I have not.

6789. How did you put them down; how did
 you score them down?—Just as they sat down at
 the table.

6790. Mr. Baron *Martin*.] Had you been a
 barmaid at a public-house before you were mar-
 ried?—Yes.

6791. Mr. *Price*.] You scored them down by
 lots as they came in?—Yes.

6792. Nine or ten at a time?—Yes.

6793. How many lots came in?—I cannot say;
 perhaps above a score, I should think.

6794. Above a score of lots of ten?—Yes.

Mr. *Price* stated he must now ask for the
 Napoleon Account, K. 43.—(*A copy of the
 Account was handed to Mr. Price.*)

Mr. *Price* stated that it appeared to be an
 account for 15 *l.* 7 *s.* 10 *d.*

Mr. Serjeant *Ballantine* stated that it
 would be seen there was one account that
 had been filed which contained a sum of six
 guineas for the committee-room in addition
 to the refreshments.

Mr. *Price* stated that the amount was
 15 *l.* 7 *s.* 10 *d.* on the following day.

[The Witness withdrew.]

MARTHA SCHOFIELD, sworn; Examined by Mr. *Waddy*.

I. Schofield. 6795. ARE you the landlord of the "Engineer"
 inn, in Dudley Hill?—I am.

6796. Had Forster and Miall a committee-
 room at your house?—Yes.

6797. Who was chairman of that committee?
 —I am sure I don't know, I did not wait in the
 room.

6798. Who engaged the room?—Mr. Revel.

6799. Do you remember before the polling day
 Mr. Revel giving you any order about refresh-
 ments?—Yes.

6800. What did he say to you?—He told me
 to cook a hind lift of beef and two hams, but I
 only cooked one ham, because I could not get
 two.

6801. Mr. Baron *Martin*.] Is the hind lift the
 round?—The general talk, my Lord, in York-
 shire, is what they call a buttock of beef.

6802. Mr. *Waddy*.] I think you said something
 about hams?—One ham only; I could only get
 one.

6803. How many did he order?—Two were
 ordered, but I could only get one.

6804. Did you cook this hind lift of beef, and
 this one ham?—I did.

6805. When it was cooked how was it disposed
 of?—I put it into a room, and they took the men
 in; I did not know them, and I had nothing more
 to do with it.

6806. The room in your house?—Yes.

6807. Mr. Baron *Martin*.] The men went in to
 eat it?—Yes.

6808. Mr. *Waddy*.] Was it the room that they
 had been using as a committee-room, or another
 room?—It was another room.

6809. In addition to this, had they anything to
 drink?—Yes.

6810. What did they have to drink; who
 ordered it?—It was Richard Tankard.

6811. Had Mr. Tankard been at your house
 on the committee?—Yes; before.

6812. How much beer was sent in during the
 day?—I am sure I cannot say exactly.

6813. Mr. Baron *Martin*.] I suppose you sent
 in an account?—Yes; for the committee-room,
 and what they had had to eat and drink; it was
 a little over 11 *l.*

6814. Mr. *Waddy*.] Who paid you for that?—
 Mr. Roberts paid me.

6815. When?—Perhaps ten days after the
 election.

6816. Did you send in a bill?—Yes, I did, for
 he called for it.

Mr. Baron *Martin*.] You must put in the
 bill itself.

Mr. Serjeant *Ballantine*.] My learned
 friend has called for it, but I do not know
 that I can put my hand on it, and I will
 allow my learned friend to give secondary
 evidence.

6817. Mr. *Waddy* (to the *Witness*).] In that
 bill was your charge for refreshments from 9 *l.*
 to 10 *l.*?—No.

6818. What was it?—The committee-rooms
 were 3 *l.* 10 *s.*, and the other was for the refresh-
 ments.

6819. What was the whole amount of the
 bill?—I cannot say to a shilling or two, but it
 was a little over 11 *l.*

6820. Just look at that (*handing a document to
 the Witness*); is that it?—No.

6821. Did you see a thing like that (*handing a
 paper to the Witness*) when they took the com-
 mittee-room from you?—No; I cannot say that
 I did.

6822. Do you remember whether there was a
 written engagement to take the house?—No; I
 cannot say so.

6823. Partly written and partly printed?—I
 do not remember it.

6824. Mr. *Price*.] She says that the charge
 was

was 3*l.* 10*s.*, and they gave a receipt for 4*l.* for the committee-room?—When they engaged the large room they paid me 1*l.*, and for any low room that they had during the election, it was to be 30*s.* for the whole of the time.

6825. That made 2*l.* 10*s.*?—They engaged the big room twice. The big room was to be 1*l.* a night, and they engaged it twice, making 2*l.*; and the low room, when they had that room once a week during the election, they were to pay me 30*s.* during the whole of the election for the whole time. (*A receipt was handed in and read.*)

Mrs. HANNAH McLAREN, sworn; Examined by Mr. Price.

6827. WERE you employed at the “Duke of Marlborough” public-house, in the South Ward, during the election day?—Yes.

6828. What time did you go there?—About seven o'clock in the morning.

6829. What were you employed to do?—I was cutting sandwiches, and preparing tea and coffee.

6830. From what time; from the time you first went in?—Yes.

6831. How long were you so employed?—I was there during the day; all the day.

6832. Who gave orders to you to give them them out?—Mr. Hill.

6833. Who is he?—The landlord of the house.

6834. Whom did you give them to; to the people who came there?—To the different parties who were voting that came in.

6835. How did you know that they were voting?—They came in from voting; I did not know who they were.

6836. Did they show you anything?—They said so as they came in.

6837. Where they admitted at once?—Yes.

6838. By the landlord?—Yes; and the parties who were there to receive them.

6839. Who were there?—Some of the committee; I did not know the names of them.

6840. Did you see them show any tickets?—Yes.

6841. What tickets did they show?—They produced tickets for their sandwiches; that was all that I saw.

6842. Did you see any of the tickets?—Yes.

6843. Did they have anything to drink?—Some of them had beer, and some of them had tea, whichever they preferred; several of them had beer.

6844. Did you see Mr. Firth?—Yes, I saw him.

6845. Did you see Mr. Smith, the overlooker for Mr. Garnett?—Yes; they were both there.

6846. Did they come in with others?—Yes, they came in and out with others.

6847. But some of those did come in for refreshments?—Yes.

6848. Did they go to the committee-room and get tickets?—They were up and down several times; but Mr. Firth or Mr. Smith, either of them, did not give me any tickets.

6849. Did you see them give tickets to those who came for refreshments?—Yes; they went upstairs with them, and came down with them. I did not see them personally give them tickets.

6850. When they came down, did you see them present tickets like that to them (*handing a ticket to the Witness*)?—Yes; I had some of them.

28.

Mr. Price.] I should very much like to see the bill, and it ought to have been returned.

6826. Mr. Baron Martin.] The bill appears to have been a little above 11*l.*?—Yes.

Mr. Serjeant Ballantine stated that he had no question to put to the Witness.

[The Witness withdrew.

Mr. Serjeant Ballantine stated that he recognised the tickets, and admitted that they were issued with the authority of his client.

Mr. Price stated, that if his learned friend had the tickets used at the house referred to, he should be glad to have the numbers.

Mr. Serjeant Ballantine stated that he could not furnish his learned friend with the numbers just at the moment, but he would ascertain the actual numbers.

Mr. Baron Martin.] I understand that it is admitted as a fact, that tickets were given at these houses with which the persons got refreshments.

Mr. Serjeant Ballantine stated that they had been issued to persons named on the tickets, but that it was confined to the South Ward, for reasons which he would presently explain to his Lordship.

Mr. Baron Martin (to Mr. Price).] You must take the admission, or examine the Witness, which you please.

Mr. Price.] I am examining the Witness, my Lord, but I do not know that it was confined to the South Ward.

Mr. Serjeant Ballantine stated that as far as he knew, there had been no tickets, except in the South Ward.

6851. Mr. Price (to the Witness).] Did you hear any questions put to any of the people as to whether they had voted or not?—Yes.

6852. In answer to those questions, did any of them say whether they had voted, or whether they were going to vote?—I heard some of them say that they had voted.

6853. Did the others say anything?—I heard some of them say that they were going to vote.

6854. When they said, either the one or the other, where did they go?—They went upstairs into the committee-room.

6855. And then they came down, did they?—Yes.

6856. Where were the refreshments laid out; in another room?—The refreshments were put upstairs; some of them were brought into the shop, and they were supplied to them in the shop.

6857. What shop do you mean; the bar?—Yes. It is a printer's shop as well; a stationer's shop.

U 3

6858. What

M. Schofield.

30 January
1869.

Mrs. H
McLaren.

Mrs. H. McLaren. 6858. What did you get?—I got 3 s. the morning following.
 6859. And I suppose as much as you liked to eat?—Yes.

Mr. Serjeant *Ballantine* stated that he had no question to ask the Witness.

6860. Mr. *Price*.] Can you give us any idea of how many were refreshed at that house during the day?—I could not tell you positively, but I cut up one hindliff of beef into sandwiches; I cut a great number, but I did not take notice how many.

TIMOTHY ALLEN, sworn; Examined by Mr. *Waddy*.

T. Allen. 6864. Do you live at No. 64, Daniel-street, in this borough?—Yes.

6865. Are you a voter?—Yes.

6866. Did you vote for Forster and Miall at the last election?—Yes.

6867. Were you on any committee?—No.

6868. Were you a canvasser?—No.

6869. Did you do any work whatever for the election?—None whatever.

6870. Do you remember being canvassed by two men?—Yes, but I do not know their names.

6871. When was that?—It was not above a week or so before the election day.

6872. After that, on the night before the election, did a man of the name of North see you?—Yes.

6873. What was Mr. North; was he a Forster and Miallite?—Yes, I think he said he was.

6874. And did he tell you to go to the "White Bear"?—Yes.

Mr. Serjeant *Ballantine*.] You have not given us in the particulars the name of this Timothy Allen.

Mr. *Price*.] What I am proposing to show by this witness and the next, is, that those refreshment were not confined to the committee or the canvassers; I do not charge them with treating.

Mr. Baron *Martin*.] With regard to the evidence in this case, I believe I have spoken of committee-men, and I have read in the newspapers that Mr. Justice Willes and Mr. Justice Blackburn have spoken of committee-men, but certainly when I was speaking of committee-men, I had no idea of such a man as this witness being a committee-man; I mean a real committee-man; I do not mean a man in a very low rank in life, who is taken up into a room to be a committee-man; but my idea of a committee-man, when I have spoken of him, and as I have read in the newspapers what has been said by Mr. Justice Willes and Mr. Justice Blackburn, is, that he is no more a committee-man than a man who had been called in out of the streets; my idea of a committee-man is a real committee-man; a man in trust; a man in whom confidence is placed, and who is a person who may be presumed to have authority to act, but not such a man as this.

Mr. *Price*.] What I want to show is that those refreshments were not confined to committee-men and canvassers.

6861. Were there as many as 100 or more?—Yes, and more.

6862. How long did it go on?—It went on up to the close of the election.

6863. At 4 o'clock?—Yes.

[The Witness withdrew.]

Mr. *Price* (to Mr. Serjeant *Ballantine*).] Will you let me have the printer's bill; I should like to look at it.

Mr. Serjeant *Ballantine*.] I suppose it is with the vouchers.

Mr. Baron *Martin*.] I dare say they were not; I expect there is no order for any particulars of that kind; did I make those orders for particulars; do you happen to have got them?

Mr. *Price*.] Mr. Justice Willes, I am told, made the order for particulars.

Mr. Baron *Martin*.] If there is any restriction in the order, of course you are bound by it; but if it is otherwise, you are quite free, and my own wish is to make the thing as free as possible.

Mr. *Price*.] I do not put this man forward as being treated for the purpose of influencing his vote.

Mr. Serjeant *Ballantine*.] Then there is an end of my objection. The form of my learned friend's question rather indicated that there was something in relation to this individual either of treating or of bribery, and it was under that view that I took the objection.

Mr. *Price*.] I told my Lord that I put him forward not as showing that he was bought over to give his vote by treating, but that he was refreshed, and he was neither a committee-man nor a canvasser.

Mr. Baron *Martin*.] I will tell you how this matter stands. The 7th Rule was made by the Judges with reference to this: "When a Petitioner claims the seat for the unsuccessful candidate, and alleges that he had a majority of lawful votes, the party complaining of or defending the election or return shall, six days before the day appointed for trial, deliver to the Master, and also at the address, if any, given by the Petitioners and Respondent, as the case may be, a list of the voters intended to be objected to, and of the heads of objection to each such vote, and the Master shall allow inspection and office copies of such lists to all parties concerned, and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or Judge upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs as may be ordered." That is confined to a Petitioner claiming the seat. It was then thought that inasmuch as there was this particular rule as to the case of a candidate claiming the seat, it was but reasonable to apply it to other cases which were not strictly within the rule.

That

That is how the thing arose at first. It was thought that particulars might be given, almost as a matter of course, to a very considerable extent. It was then suggested that some limitation had better be made upon it, for that it would give an opportunity of tampering with the persons whose names were mentioned in the particulars, and getting them out of the way, and that it might do more harm than good; the consequence was that there was a limitation put upon it, and we all agreed that we would wait and see what was the operation of the rule in the first five cases that we each had set down for hearing, and see whether it would work well or not. Of course, as far as you are restricted by the order of Mr. Justice Willes, I shall restrict you, but no further.

Mr. Serjeant *Ballantine*.] I have; I withdraw all objections, my Lord.

Mr. *Price*.] I quite understand then that the simple question is whether he got refreshments, he being neither a committee-man nor a canvasser.

6875. Mr. *Waddy* (to the *Witness*).] Did you on the day of the election get two pieces of paper from somebody?—Yes.

LEVI ALDERSON, sworn; Examined by Mr. *Price*.

6885. ARE you a voter for the borough?—Yes.

6886. Did you vote?—Yes.

6887. Whom did you vote for?—Forster and Miall.

6888. Were you on a committee?—No.

6889. Or were you a canvasser at all?—No.

6890. Did you get any refreshments on the day of the poll?—I did.

6891. Where at?—At the “Farm House” Inn.

6892. Is that in the South Ward?—Yes.

6893. Who gave you that ticket?—I do not know his name.

6894. Did you get it at the “Farm House”?—I got it at the “Farm House.”

6895. Mr. Baron *Martin*.] Is that a public-house?—A beer-house, my Lord.

6896. Mr. *Price*.] Were there refreshments supplied at the “Farm House”?—Yes.

6897. You used the ticket, and got refreshment?—Yes.

6898. Did you see other voters there doing the same thing?—Yes.

6899. How long were you there?—I was in and out many times during the day.

6900. And were the voters getting refreshments there all the time you were there?—No, not all the time.

6901. Only once or twice?—I only saw them get once; each voter had one.

6902. Each man got a ticket, you mean?—Yes, each man got a ticket.

6876. Have you got one of them here?—Yes. (*producing the same*).

6877. Where did you get this?—At the “White Bear” in Bradford Moor.

6878. Was that a Forster and Miall committee-room?—I think it was; I cannot say for sure.

Mr. *Avery*.] One of those tickets is, “South Ward refreshment ticket for canvassers and messengers. Supply the bearer, T. Allen, with one sandwich, 6 *d*. Joseph Boothroyd, chairman. *Nota Bene*.—No payment made unless this voucher is produced.”

6879. Mr. *Waddy*.] You told me that you had two tickets; what did you do with the other one?—I got one glass of beer with it.

6880. Where did you get that beer?—At the “White Bear.”

6881. Then did you give that ticket up?—Yes.

6882. This one is for a sandwich; you did not get a sandwich, I presume?—No, I did not.

6883. Do you know who it was that gave you the beer?—I do not know the man’s name.

6884. And you do not know the name of the man who gave you the tickets, do you?—No.

[The *Witness* withdrew.

Mr. Serjeant *Ballantine*.] I do not cross-examine the witness. L. *Alderson*.

[The *Witness* withdrew.

Mr. *Price*.] This is the “Farm House” bundle of tickets (*producing the same*); there are about 400.

Mr. Serjeant *Ballantine*.] I can state at once to my learned friend that we have a most accurate account of them; there were altogether 3,000 tickets printed. I will give your Lordship the details of them: 500 representing a cup of coffee; 1,500 representing a glass of ale; and 1,000 representing a sandwich. Out of those, my Lord, 1,200 were used; the remainder were not used, and they were only used in the South Ward.

Mr. Baron *Martin*.] Are you speaking now of the South Ward?

Mr. Serjeant *Ballantine*.] I am now speaking of the whole that were printed, and I may as well give your Lordship the tariff of the ticket; it was 6 *d*., 3 *d*., and 1½ *d*. If your Lordship will calculate it, in the event of your having a moments time, the amount altogether in value of the 3,000 will be 40 *l*., and about half were used; and they were only used in that ward, as far as I can learn.

Mr. *Waddy*.] I dare say my learned friend will agree that the South Ward contained 3,205 voters.

T. Allen.
30 January
1869.

SARAH HALLIDAY sworn; Examined by Mr. Waddy.

S. Halliday. 6903. ARE you the wife of Nathan Halliday, of the "Spinkwell" Inn?—Yes.
30 January 1869. 6904. Was that a Forster and Miall committee-room?—Yes.

6905. Which ward are you in?—The North Ward.

Mr. Serjeant *Ballantine.*] I am afraid that I must object that this is not one of the houses that is given to us under the particulars; therefore, if my learned friend proposes to prove anything in that house I must take an objection.

Mr. *Price.*] We must just look at the Judge's order of particulars, for I am told that it does not bind us to mention the particular house. This is the Order of Mr. Justice Willes: "I do order that the Petitioner shall, three days before the day appointed for trial, leave with the Master, and also give the Respondent, or his agent, particulars in writing of all persons alleged to have been bribed, of all persons alleged to have been treated, and of all persons alleged to have been unduly influenced, and that no evidence shall be given by the Petitioners of any objection not specified in such particulars, except by leave of a Judge, upon such terms, if any, as to amendment, postponement, and payment of costs as may be ordered. And I further order that the Petitioners shall, within four days from this day, leave with the Master and give the Master particulars in writing of the nature of the corrupt or illegal practices charged."

Mr. Serjeant *Ballantine.*] There is nothing further; but your Lordship may as well learn the *modus operandi*. Their answer to that is, that you will see by the return we cannot give you the names of the persons, but we give you the names of the houses in which we say treating took place, if your Lordship will look at page 8.

Mr. Baron *Martin.*] It seems not to be within the order; it is a work of supererogation.

Mr. *Price.*] Quite so, my Lord.

6905*. Mr. *Waddy* (to the *Witness*).] How long did the committee of Forster and Miall meet at your house?—Fifteen weeks.

6906. They met, I believe, twice a week?—Fourteen weeks they met twice a week, and once beside; that made it 15. They once had a public meeting; they had 14 committee meetings and one public meeting.

6907. Did they use the same room each time?—No; the public meeting was in another room upstairs.

6908. On the polling day did you supply refreshments?—Yes.

6909. Do you about how many people were on the committee?—I do not know.

6910. About how many people used to attend during the 14 times you have told us?—Sometimes more and sometimes less; sometimes the room used to be full, and sometimes there were not many.

6911. On the polling day was breakfast ordered for anybody?—Yes, for 12.

6912. Who ordered it?—Joseph Willoughby, William Linley, and William Bocoock.

6913. Had those people been addressing the committee meetings?—Yes.

6914. Who hired your room from you; who was the person that made the engagement?—Mr. Fisher was one.

6915. Was anybody else with him?—Mr. Thornton Woolff, and there was another; I do not know his name.

6916. Did you ever go into the committee-room when the committee meetings were being held?—Not often.

6917. Did you sometimes?—Sometimes.

6918. Whom did you see sitting in the chair at the end of the table?—There was Frederick Bowers and William Bocoock.

6919. Is that the same Bocoock that you mentioned just now as having ordered the breakfast?—Yes.

6920. Who else have you seen sitting in the chair?—I do not know their names.

6921. Did you supply the 12 breakfasts?—Yes, there was 12 ordered, but there was 16 came; 12 sat down first and four afterwards.

6922. Do you know whether those people that had breakfast there, were voters or not?—There was some of them voters.

6923. Did you, afterwards, get paid for that breakfast?—Yes.

6924. Did you send in a bill to Forster and Miall?—Yes.

6925. Was the breakfast included in that?—Yes.

Mr. *Price.*] Will my learned friend give us the bill.

Mr. Serjeant *Ballantine.*] I will give you a copy (*handing the same to Mr. Price*).

6926. Mr. *Waddy* (to the *Witness*).] Did you send in more bills than one?—Two.

6927. What was the amount of the first bill?—It was all drawn alike, both the second and the first bill.

6928. Four pounds fifteen shillings, is that the amount?—Yes, for the victuals during the day and the beer, but not for the room and all.

Mr. *Avery.*] This bill is as follows:—Forster and Miall's committee, to Nathan Halliday.

	£.	s.	d.
To 16 persons' breakfasts, at 2s.	1	12	—
To refreshments during the day	3	3	—
Total - - -	4	15	—

6929. Mr. *Waddy.*] How was it that there came to be two bills?—They said the first bill was not a right one.

6930. Who said that to you?—Thornton Woolff said it was not right, and he said he would not pay me without it was right.

6931. Who made out the first bill?—Joseph Crabtree.

6932. Mr. Baron *Martin.*] What was the objection to it at first?—Because there was cigars in it.

6933. Mr.

6933. Mr. *Waddy*.] Had cigars been smoked?—Yes.

6934. You made out a second bill without the cigars, then?—Yes.

6935. Mr. Baron *Martin*.] For the same amount?—Yes, for the same amount.

6936. Mr. *Waddy*.] Who made out the second bill; you do not write yourself, I believe?—No, I cannot.

6937. What became of the first bill, was it returned to you, or did they keep it?—No, they kept it.

Mr. *Waddy*.] Now, will my learned friend show us the first bill.

Mr. Serjeant *Ballantine*.] Will you show us the notice.

Mr. *Price*.] I am told that we have given notice.

Mr. Serjeant *Ballantine*.] Read the point in any notice applying to this bill.

6938. (To the *Witness*.) How much were the cigars, man?—I cannot tell, there was a box full at 2 *d.* each.

6939. Mr. *Waddy*.] In the first bill had you charged for the breakfast?—Yes.

6940. For how many?—For 16.

6941. In that first bill had you charged 4 *l.* 15 *s.* for the whole thing, breakfasts included?—No, not for the breakfasts.

6942. But you had included the breakfasts in the 4 *l.* 15 *s.*?—Yes.

6943. Then you altered that in the second bill, and you made out a special charge for the breakfasts?—Yes.

Mr. *Avery*.] The account is:—

	£.	s.	d.
"To 16 breakfasts - -	1	12	-
To refreshments during the day - - - -	3	3	-
	4	15	-
15 weeks' rent of room - -	1	17	6"

6944. Mr. *Waddy*.] Apart from the cigars, what refreshment was there during the day besides the breakfasts?—Steaks fried.

6945. Was there any beer?—Yes.

6946. How much?—I cannot tell how much, but I know how much it came to, but I cannot tell what came in.

6947. Who drew the beer?—Me.

6948. Were you drawing beer all day?—I was drawing as long as they stayed.

6949. And did they stay all day?—Till while the poll was over.

6950. Did you send the beer into the committee-room?—Yes.

6951. And do you know who had it?—No, I did not go in to see.

6952. How much beer do you think you drew during the day?—I cannot say how much.

6953. How much did you charge for the beer; what was the price of the beer alone; never mind the other things?—I cannot tell. All I can tell is, the victuals and the beer came to 4 *l.* 15 *s.*; that is all I can tell, and the cigars.

6954. Do you think you drew one barrel, or a good many barrels?—I do not know.

6955. Mr. Baron *Martin*.] What is a barrel of beer worth; such beer as they had?—At 1 *s.* a gallon, 18 gallons is 18 *s.*, and 36 gallons is 36 *s.*

6956. That is what you pay, 1 *s.* a gallon?—Yes.

6957. Mr. *Waddy*.] How many barrels of beer did you tap for them that day?—We had two on the tap.

6958. How many more did you tap?—I do not say we tapped two more.

6959. How many more?—There was more in the cellar.

6960. Mr. Baron *Martin*.] You charged for all you drew, I suppose?—Yes, I wanted paying for all I drew.

6961. Mr. Serjeant *Ballantine*.] I am told, my Lord, by Mr. Forster, that that is the Yorkshire for "getting all." I do not profess myself to have graduated in the Yorkshire language. (To the *Witness*.) Just tell me this, did you get all you asked?—Yes.

6962. Mr. *Waddy*.] Who had those refreshments, was it the same 16 that had the breakfast, or others?—No; others that came in during the day.

6963. How many of them?—I cannot tell how many there was came in. I did not take no notice; I had summut else to do.

6964. Were they voters or non-voters, do you know that?—Some of them were voters, and some not.

6965. Do you know James Ainsworth?—Yes.

6966. Was James Ainsworth there that day?—Yes.

6967. Had he breakfast?—No.

6968. Had he dinner there?—Yes.

6969. Do you know how it was he came to you there; was he on the committee?—I never seed him on the committee.

6970. Do you know how it was he came to have dinner there?—I do not know, without it was I suppose because he was going to vote for them.

6971. Do you know whether he had voted when he had dinner?—No, I do not.

6972. Did you hear anything said about his voting?—I heard him say that he would not vote with an empty belly.

6973. When he had said that did he fill his belly?—Yes, for anything I know.

6974. But did you serve him?—No, my sister did, but I seed him get it.

Cross-examined by Mr. Serjeant *Ballantine*.

6975. I will only ask you one question; what politics are you, Ripley or Miall and Foster?—My husband is a Ripley man.

6976. And he voted for him?—Yes; he never went into the Miall committee.

[The *Witness* withdrew.

JOSEPH CRABTREE, sworn; Examined by Mr. *Price*.

6977. ARE you the son of the landlord of the "Wild Boar"?—Yes.

6978. Are you the person who made out for Mrs. Halliday, the last *Witness*, one of her bills?—I did.

28.

6979. Just tell us, as near as you can recollect, how you made out the bill which you made out for her?—Mrs. Halliday came down to our house on the Thursday night after the election, that was the 19th. Her husband and her cannot write,

X

neither

S. Halliday.

30 January 1869.

J. Crabtree.

J. Crabtree.
—
30 January
1869.

neither of them. She says, "Would I make a note out for her." I said, "I had no objections;" "What are the particulars of the note?" "Well," she says, "there was 17 weeks' rent, at half-a-crown a week, that is 1*l.* 17*s.* 6*d.*" I says, "What else?" "Well," she says, "on the day of the election there was 4*l.* 15*s.*"; I says, "What was that for?" she says, "It was for eating, ale, tobacco and cigars, for the committee-men." So I wrote it down to that effect, and I said, "Is that right?" and she says, "Yes," and she told me that she took the note—

6980. I did not ask that; do you know James Ainsworth?—Yes.

6981. He is a voter, is he not?—Yes.

6982. Did you see him at all about his vote, or hear him canvassed?—No, I never canvassed him, but Hezekiah Bridges and Charles Sharp waited on him.

6983. Mr. Serjeant *Ballantine*.] Were you present?—No.

6984. Mr. *Price*.] Did you canvass John Clayton?—Yes.

6985. Whom did he promise to vote for?—John Clayton promised me for Ripley.

6986. Mr. Baron *Martin*.] You were a canvasser for Mr. Ripley, then?—Yes.

6987. Mr. *Price*.] You canvassed John Clayton; how did he vote?—He voted for Messrs. Forster and Miall.

[The Witness withdrew.

DAVID MITCHELL, sworn; Examined by Mr. *Waddy*.

D. Mitchell. 6988. ARE you a Machine Comber, living at 369, Bolton-road?—Yes.

6989. Are you a voter?—Yes.

6990. And were you on Forster and Miall's committee?—Yes.

6991. At the "Spinkwell Inn"?—Yes.

6992. Did you go to committee meetings on the night before the election?—Yes.

6993. Did you get your glass of ale when you went?—Yes, I got a glass of ale.

6994. Did you ever pay for any ale there?—I paid for myself sometimes.

6995. Did you always?—No, not always.

6996. Do you know who it was that did pay for it?—No, I do not; a man, perhaps, would come and look round, and pay upon five or six; he would put money down for a glass a-piece for those committee-men, and they brought the beer in, and took the money up.

6997. And you did not know who it was?—No, I did not;—it was not always one; sometimes it was one, and sometimes another of them.

6998. Was there a place called the "Prospect Inn"?—Yes.

6999. Was that a committee-room of Forster and Miall?—Yes.

7000. And the "Canal Tavern" also?—Yes.

7001. Were you a committee-man at either the "Prospect Inn" or the "Canal Tavern"?—No, I do not know that I was; I only had my name down at the "Spinkwell Inn," that I know of.

7002. When you were at the "Prospect Inn" and the "Canal Tavern," did you get beer there?—Yes, I got a glass.

7003. Did you pay for it?—No.

7004. Do you know who did?—No, I do not know who did; some one came in and paid for four or five glasses, as many as there was of us; I do not know who they were.

7005. Do you know a man called Henry Smith?—Yes.

7006. Was he a canvasser?—No, I cannot say he was; I do not know.

7007. Did he come to your committee-room at the "Spinkwell Inn"?—Yes, he looked in sometimes.

7008. He was a man that worked at Rowse's machine shops, I think?—Yes, he do.

7009. On the polling day did you go at seven o'clock in the morning to Halliday's?—Yes; I went to my work first, and there was no work, so I went right from there to Halliday's, to go down along with the rest to give my vote.

7010. Before you voted did you have breakfast at Halliday's?—Yes; I got two cups of coffee, and a bit of beef and cake.

7011. After you had got your breakfast did you go to the "Fox and Goose"?—I went past there; I did not call in; I went past the door.

7012. Was the "Fox and Goose" the central committee-room for that district?—Yes; I understood it was.

7013. Did you do any work during that day for the election?—I went down to see about a man coming to vote, but I did not get to see him; some one went into the mill and asked for him, and he said he could not come with me.

7014. You went to look after one voter?—Yes, him and two or three more.

7015. Was that all the work you did that day for the election?—Yes, it was.

7016. Did you pay for your breakfast in the morning yourself?—No, I did not.

7017. Did you see anybody else pay for it?—No, I did not; nor I did not hear no one order it.

7018. It was ready set there when you got in?—Yes, it was; I was going to come out and get my own breakfast in my own house.

[The Witness withdrew.

ELIZABETH AMIEL, sworn; Examined by Mr. *Price*.

E. Amiel. 7019. WERE you the barmaid at the "Royal Hotel"?—Yes.

7020. Are you now?—Yes.

7021. Were you there on the day of the election, employed as barmaid?—Yes.

7022. Was that a committee-house of Forster and Miall?—Yes.

7023. What time in the morning was the house opened, and the committee come there?—About seven o'clock.

7024. How many came at first?—I cannot say.

7025. As near as you can say, were there 20 or 30 there?—Perhaps about 20.

7026. Did they have breakfast there?—No.

7027. Did they have any refreshments during the day there?—They had.

7028. What had they?—Sandwiches, beer, and coffee.

7029. By whom had they been ordered?—I believe by Mr. Cannon.

7030. How

7030. How many did he order for, do you know?—For 70 or 80.

7031. Do you know whether they were persons who were voters, or not?—I do not.

7032. Was that a house where they presented tickets?—Yes.

7033. And did you make up the accounts from the tickets?—I did not make up the accounts.

7034. Who made them up?—Mrs. Fox's son-in-law.

7035. And what did Cannon do to it; did he sign it, do you know?—I do not know.

7036. Mr. Baron *Martin*.] You merely were the barmaid, and you supplied the things; you did not make up the accounts?—No, my Lord.

Mr. *Price*.] Now I ask my learned friend to produce the accounts from the "Royal Hotel."

Cross-examined by Mr. Serjeant *Ballantine*.

7037. I believe the central committee sat at

your house, did they not; or a committee sat at your house?—Yes.

7038. Did you hear Mrs. Fox tell them that they were not worth keeping; that they drank nothing?—She did not tell them, but she has said so; they spent nothing till the day of the election.

Re-examined by Mr. *Price*.

7039. They spent nothing till the day of the election, I suppose, and then there was beer?—Yes, but not much.

Mr. *Price*.] The bill of the "Royal Hotel" amounts to 3*l*. 15*s*. for refreshments on that day; 23 cups of coffee, and 131 glasses of beer on the morning of the poll, besides 100 sandwiches.

[The Witness withdrew.

EDWARD NOON, sworn; Examined by Mr. *Waddy*.

7040. ARE you an oyster dealer, living in Pickard's-court?—Yes.

7041. On the morning of the polling day, or about the middle of the day, did you meet two gentlemen called Smith?—Yes.

7042. Are they manufacturers in Thornton-road?—Yes.

7043. Did you go into the "Fitzgerald Arms" beer-house with them?—Yes.

7044. Did you go into the committee-room?—I did not go into the committee-room with them.

7045. Where did you go into?—I just stood by the bar side.

7046. And did you get some ale?—I had two glasses of beer.

7047. Did you pay for it?—No.

7048. Do you know who paid for it?—I cannot say; but the landlady said she would fill it. I expect it was understood so that they paid for it; I had two glasses on it.

7049. While you were there were those two gentlemen still with you that came with you there?—They was still in the house.

7050. Did they ask you to do anything?—They never asked me to do nothing; they asked me to ride in a trap, and go and vote; that is what they said to me; and I said "No," I would go a shorter way, and I would go Change-street way.

7051. Whom did they ask you to vote for?—Well, the cry was for Mr. Edward Miall and Mr. Forster.

7052. Did either of those gentlemen say whom you were to vote for?—No, but the other parties with them axed me to go with them in the trap and to vote for Forster and Miall.

7053. Was there a trap standing at the door?—There was two.

7054. Did you go into any room at any time that day at that hotel?—No; once I left I did not go a second time that day.

7055. Were you in any rooms at all?—I was not in no rooms at all; but just as I stood by the counter side.

7056. Was there ale on the counter?—Yes, there was ale, or I could not get none of it.

7057. Were other people drinking there?—Yes, many of them; but I could not tell who they was.

7058. Did you see any other persons eating or drinking there?—No, I cannot say that I did.

7059. Do you know a man called Handy Clasby?—Yes, I know Handy Clasby.

7060. He was there?—Yes, he was there at the present time I was there; but he was not eating nothing.

7061. Was he drinking?—I dare say he was a drinking at the counter side.

7062. Do you know the Odd Fellows' Hall, in Thornton-road?—Yes, well.

7063. Was it a Forster and Miall committee-room?—Yes.

7064. Did you go into that committee-room before the election?—Yes, many a time.

7065. When you were there was drinking going on?—They was sitting down as usual; I did not see any extra drinking, but there was drinking.

7066. And smoking?—Yes.

7067. Did you get anything to drink?—No, I got no beer. There was a gentleman there who was accustomed to buy oysters from me, and he always gave me a glass of whiskey.

7068. What was his name?—I do not know his name.

7069. Before the election were you at Hanley's house, the "Robin Hood"?—Yes.

7070. And was there any beer supplied there?—Yes, I seed plenty of beer.

7071. Did you go into the room upstairs?—Yes, I went upstairs.

7072. Was there any speaking going on?—There was plenty of speaking going on and cheering.

7073. And was there ale being drunk there?—Yes; I could see that there was plenty; I drank none of it.

7074. What was the speaking about?—I could not really tell.

7075. Was it about the election?—Yes, it was about the election, for Mr. Forster and Miall.

Mr. Baron *Martin*.] This has been proved over and over again; and, as I understand, my brother Ballantine does not dispute it.

Mr. Serjeant *Ballantine*.] I admit it, my Lord.

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30 January
1869.

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30 January
1869.

Mr. Baron Martin.] He disputes the effect of it, but not the facts.

Mr. Price.] I wish to show to your Lordship that this treating was not restricted to the Irish merely, but was in every ward.

Mr. Serjeant Ballantine.] We have sent

our bills and vouchers in; and whether it was legal or illegal is a matter for your Lordship to decide, but my learned friend is now only proving our bills.

The Court adjourned for a short time.

ROBERT HALTON, sworn; Examined by *Mr. Price.*

R. Halton.

7076. You keep the "Bricklayers' Arms"?—Yes.

7077. Your house was on both sides?—Yes, it was.

7078. You were a neutral whilst it was a house for Forster and Miall; had you any bill against Forster and Miall's committee?—Yes, I had.

7079. How much was it?—One pound two shillings and sixpence.

7080. How often did they meet there?—They met there one night a full company; the other nights the committee men kept coming one after another, and one or two, and they looked at the books and such like that night and the next night or two besides.

7081. You charged 1 l. 2 s. 6 d.; what did you charge that for?—I charged it because there was damage to a decanter, and it was for ale and tobacco and the rooms.

7082. Were you paid anything?—I was paid 1 l.; I went down to get paid it all, and they made a bit of ifs and afs; I wanted the money, that is what I wanted, and they made ifs and afs, and said, "No, it was not right;" nothing was right for them; and so I met one of the committee-men again; he was John Haley, and he says, "I will go down with you;" and he comes back, and he goes down with me, and he was just the same and made neither one thing nor t'other of them. He meets me the next day, and tells me that I shall be paid. "Give me till night, and I will see that thou art paid, but," he says, "I cannot get the whole; Thursday I shall have to go to Allerton for to get it, not before Thursday;" and he says it was not worth while to go to Allerton on purpose. He goes on Thursday, and meets this man a-going into the warehouse; I did not ask the man's name; if I had he would not have told me.

7083. Who was this man who said about Allerton?—John Haley.

7084. Was he a Forster and Miall man?—Yes, he was.

7085. He was a committee-man?—Yes, he was a committee-man.

7086. He petitioned against Mr. Ripley?—Yes; so then he goes on Thursday and meets this man, and he says, "Oh, John, I know what you want, but," he says, "I have no change, nobbut a sovereign." He says, "I have no change but a sovereign;" and John said, "Well, give me that sovereign and then you can get the rest after." He brings me this sovereign right straight, and gives me this sovereign, and he says, "I will have a glass of the best ale;" and I said, "Well, John, whenever thou gets t'other brass thou can stick to it."

Cross-examined by *Mr. Serjeant Ballantine.*

7087. When was this that you got this sovereign?—Let us see; it was nine days after the election.

7088. After which election?—After the borough election.

7089. Which do you mean, the municipal election or the other?—No, I mean the late borough election; it was nine days after the borough election.

7090. Can you tell me who it was who paid you that money?—John Haley.

7091. Tell me when you provided those things for which you were paid?—I cannot tell you what was the time, because I never took no particular notice.

7092. It was long before the 2nd of November?—Yes, it was long before the election day; but if I might take the liberty it was after the election day that I got paid.

7093. I agree with his Lordship, that you are perfectly to be relied upon; the provisions were supplied?—There was no provisions in that.

7094. Then the beer and tobacco?—Beer and baccy was all.

7095. When you applied, were you told that it was Mr. Salt's affair?—No, I was not; because Salt's affair paid me every halfpenny; because when they came in I said I would not trust none of them upon it.

Re-examined by *Mr. Price.*

7096. This John Haly who you said might stick to the half-crown if he got it, does he live at 46, Sun-street?—He lives at Sun-street, but I am sure I cannot remember the number.

[The Witness withdrew.]

Mr. Price.] Then I must ask for John Haley's return to the Forster and Miall committee of this bill. I want to show that this is not, as I understand, a thing which has been returned as amongst the vouchers prepared for the election auditor.

Mr. Serjeant Ballantine.] We have returned 1 l. 5 s. for the use of the rooms; Haley's room is not the "Bricklayers' Arms"; that is quite another place. We have no other.

Mr. Price.] No doubt Forster and Miall had a committee there, and that purports to be for the hire of the rooms. Now, I call for the bill for the refreshments.

Mr. Serjeant Ballantine.] There is none.

Mr. Baron Martin.] I think it is likely enough that it is an independent concern.

Mr. Price.] Then, my Lord, I must ask Halton whether he made any charge for the rooms. I understood him to say that he made no charge for the rooms at all.

Mr. Baron Martin.] He said that the bill was for ale, tobacco, and the rooms.

ROBERT PEEL, sworn; Examined by Mr. Waddy.

7097. ARE you the landlord of the "Great Northern" hotel?—Yes.

7098. It was formerly called, I believe, the "Old Farm House" inn?—Yes.

7099. Had you a Forster and Miall committee room at your house?—Yes, I had.

7100. Had they a committee every Wednesday night?—They had a committee every Wednesday night, and a general meeting on the Thursday night.

7101. Who were the persons who had the management of those committee meetings; who was in the chair?—The chairmn was called Phillips, and the secretary was called Taylor.

7102. Did Mr. Joseph Boothroyd attend those meetings?—Occasionally.

7103. Was your's the central house for the ward?—It was the largest meeting in that ward; but the central meeting was at the "Golden Lion."

7104. Do you know whether Mr. Boothroyd was chairman at the "Golden Lion"?—I do not; I never was there.

7105. On the day before the polling, did Mr. Taylor, whom you have mentioned, come to you and give an order for refreshments?—On the Saturday night before the polling, a little before 11.

7106. What ward are you in?—The south ward.

7107. Will you be good enough to tell us exactly what took place between you and Taylor with regard to those refreshments that were supplied on the polling day?—On the Saturday night I was ill in bed with rheumatics; but he came a little before 11 o'clock to consult my wife about refreshments.

7108. Mr. Serjeant Ballantine.] Did you hear this?—No; I was in bed with rheumatics.

7109. Mr. Waddy.] Tell us what you and he said?—On the Monday morning he came to me and said he had been to order refreshments on the Saturday night, and I was to provide for 400 people.

7110. Mr. Baron Martin.] Who said that?—Mr. Taylor, the secretary of the committee, came to my house; it was on the Monday morning; he came to order refreshments for 400, and he told my wife, on the Saturday night, he would see she was paid.

7111. Mr. Waddy.] Confine yourself to the conversation between yourself and Taylor on Monday?—He came and gave back the order to me; he wanted us to provide refreshments for 60. My wife was out then buying the refreshments, and I said I could not give my answer till she came in, because I did not know what she had bought. He then went away, and directly he had gone my wife came in.

7112. Were there three men on the committee acting there; William Robinson, Noble, and Mitchell?—Yes.

7113. Were they committee-men and voters?—Mitchell was a voter, and I believe he was a committee-man as well; he used to attend the meeting on Thursday evening.

Mr. Serjeant Ballantine.] We admit all this; my learned friend need not labour this.

7114. Mr. Waddy (to the Witness).] Had you 28.

any conversation with them with regard to the 60?—Yes.

7115. And what took place?—They said that 60 was not enough for their ward, and they went down to Mr. Boothroyd to see him about the refreshments, and Mr. Boothroyd sent word back by them to say—

7116. You must not tell us that; but you saw them after they had seen Mr. Boothroyd?—Yes; they said Mr. Boothroyd told them to tell my wife that whatever she had bought she was to cook, and he would see she was paid for it.

7117. How much was actually cooked?—A hind-lift of beef and two hams.

7118. And how many persons were there to partake of that?—We delivered out with tickets better than 120. I cannot say exact to one.

7119. Were the tickets like that (*handing a ticket to the Witness*)?—Yes.

7120. Do you know anything at all about whether the persons that had those things were voters or not?—I do not.

7121. Did you hear anything at all about their voting while they were in the house getting refreshments?—They came for refreshments. I was in the bar, and I did not bother myself much with them. I delivered the refreshments to them. I took the tickets and delivered them the refreshments.

7122. Who was it that engaged your room?—A man of the name of Laycock.

7123. When it was first of all engaged, did you see that (*handing a paper to the Witness*)?—Yes; that is for the committee-room down stairs.

Mr. Avery.] This is "Bradford" borough election, 1868, September 28th, 1868, 'Farm House' inn, of Mr. Robert Peel, Wakefield-road, is engaged as paid committee-room from this date, namely, September 1st, until the election, for the sum of 2 l., John Henry Wade, agent for election expenses. (signed) Thomas Lund, secretary."

7124. Mr. Waddy.] When those people got refreshments, how was the thing done; was there somebody in the room to issue tickets, or where were the tickets produced?—They were produced in the committee-room.

7125. What was the amount of your bill for that day alone?—10 l.

7126. The bill was 20 l. upon the whole, and 10 l. was for refreshments?—Yes; 10 l. was for refreshments, 8 l. for the large room, and 2 l. for the committee-room.

Cross-examined by Mr. Serjeant Ballantine.

7127. You got paid 20 l., did you?—I took 17 l. I could not come to an arrangement with them about the large room. They promised to see me paid for the large room, and I was at them several times before the election took place, so that I might have no bother with them afterwards; because there was nothing spent in the house, excepting once there was a bottle of ale took up into the large room. There was 160 people there and not a penny spent.

7128. I believe that you represented that to Mr. Wade as a great grievance, did you not?—I had a deal of bother to get my money. I had been to great expense in gas and cleaning up the rooms,

R. Peel.
30 January
1869.

rooms, and such as that, and I wanted some recompense for my labour and expense myself. There was no encouragement whatever, not in reference to the house.

7129. You could not get anything?—I got 17 l.

7130. You got 17 l.: that is 10 l. for what you actually supplied, and I believe he gave you something extra for the room?—There was 2 l. for the committee-room.

7131. Two pounds was the agreed sum and 5 l. was extra?—2 l. was the agreed sum for the committee-room, and 5 l. for the large room.

7132. Mr. Baron *Martin*.] As I understand, you put this forward on the ground that those people who came to your house did not consume as much as you expected they would?—No, they did not, my Lord.

7133. Mr. Serjeant *Ballantine*.] I believe you told them that you could not understand it at all; they did not drink anything?—I did not understand it. I said if I had known they would have done as they did, I would have turned them out of the house long before the election.

Re-examined by Mr. *Price*.

7134. They did not drink, and then at the end they refused to pay?—That was it.

7135. It was a handsome lot; how far is your house from the Royal?—Perhaps 50 or 60 yards; I cannot tell to 10 yards.

[The Witness withdrew.

JOHN MITCHELL, sworn; Examined by Mr. *Price*.

J. Mitchell.

7136. Do you live at 74, Frederick-street?—Yes.

7137. Were you one of Foster and Miall's canvassers?—Yes.

7138. Do you keep a store opposite the "Great Northern" hotel?—I am a tripe dealer, wholesale and retail, and a pensioner from Her Majesty's service.

7139. Do you feed upon your own tripe?—Upon the tripe broth.

7140. Were you on any committee?—I was on Foster and Miall's committee.

7141. Where?—At the "Farm House" inn.

7142. How many were your brother committee-men?—Somewhere about 60 strong, or 70.

7143. If they were all as big as you, you must have had a biggish room, I suppose?—I don't know; I have had hard work to get up here, I can tell you.

7144. Did you hear that there were 60 men, and that breakfast was ordered for 400?—Yes, but we contradicted that.

7145. How low did they get it down at last?—Sixty, Mr. Taylor ordered afterwards.

7146. And were there 60 there?—There was between 60 and 70, and then there was the messengers and non-voters to assist us.

7147. In eating, do you mean?—No, on the polling day.

7148. But the 60 for whom breakfast was ordered, were voters?—Committee-men.

7149. They were voters?—Not for voters; for committee-men, and messengers, and non-voters; that was our proper orders to go by from the central committee. Mr. Boothroyd gave them the order.

7150. How many of the 60 were voters?—There might have been about 50 that were committee men.

Cross-examined by Mr. Serjeant *Ballantine*.

7151. Do you remember the morning of the election?—Yes, very well.

7152. Where were you at about 9 o'clock?—I was in the passage of the "Farm House" inn.

7153. Was a visit paid you at the "Farm House" inn, by anybody?—Yes, by about 50 or 60 men. I believe they was all Irish.

7154. You did not often have a visit of so many at a time?—No, we had not.

7155. What did they want?—It being the central committee room of the south ward, they flew to there, because they had been refused refreshments at other places.

7156. When they came there, what did they want?—They thought that I was a very conspicuous man, and they thought I was the landlord.

7157. From your appearance they thought that you must have been a publican?—Yes, and I told them I was not. They wanted some ale and something to eat, and I told them there was nothing allowed whatever, excepting to committee men, and messengers, and non-voters.

7158. How did they like that information; what did they say or do then?—There was a crowd outside, and the tap-room was full; and there was not a pint of ale on the tap-room table nor yet a glass; and then they said they would be damned if they would not go where there was plenty, and we was a damned ugly lot, and a dry lot.

7159. Was any place mentioned?—Yes, they mentioned Sam Abel's; they would go down to Sam Abel's, and they would get plenty there. They had nearly all Foster and Miall's cards in their hands, from what I could see, and they continued that all the day, coming by sections merely to get drink and something to eat; but there was no person got anything to eat there, except he was a committee-man, a messenger, or a non-voter.

7160. Mr. Baron *Martin*.] No person at all?—No. I was there, and I seed the chairman very particular. When a man went up for a ticket the chairman looked at the man's name in the book to see if he was a committee-man, or a messenger, or a non-voter; and he was very strict.

7161. Mr. Serjeant *Ballantine*.] What then; if they found that he was a messenger or if they believed that he was a messenger, were there some refreshments given?—There was a ticket given him for coffee. If he chose coffee he could get a ticket for coffee, and a ticket for a sandwich.

7162. I believe that sometimes three tickets were issued to one person?—The three tickets would be a cup of coffee, or a glass of ale, if he chose, during the day, and a sandwich. I got nothing but a cup of coffee and a sandwich all the day. That is all that ever I got for canvassing
two

two months and working very hard for Mr. Forster.

7163. Mr. Baron *Martin*.] That was all you got for the whole election?—Yes, for canvassing or being on the committee. I employed a man in my business. I gave him 6 s. a week, and meat, washing and lodging, to assist me in my business, while I was canvassing for Mr. Forster; and I would do the same again.

7164. Mr. Serjeant *Ballantine*.] You never got anything except that?—I never got nothing.

7165. Mr. Baron *Martin*.] Am I to understand you that all those pains were taken at this house not to give any refreshment or ticket for refreshment to voters?—Yes, it was a very strict order; a very strict order from the committee.

7166. Was it carried out?—Yes; it was carried out thoroughly. There was not a more respectable committee sat nowhere. I have been on a great deal of committees, but we was respectable, and we held it up very respectable, and we kept to our colours.

7167. Mr. Serjeant *Ballantine*.] And you would not give anything?—We never gave nothing. Mr. Boothroyd used to visit us at nights; sometimes twice a week, and sometimes once a week; and it was his last words out of his mouth to be very particular to keep our hands clean, and likewise the chairman and all. The chairman every night when we parted, gave us that order, that we was to keep our hands clean whatever we did.

7168. You say you canvassed actively for two months?—Yes.

7169. As far as you were concerned did you literally obey those orders?—I did; and if anybody asked me for anything I told him that my orders was that we was not to give nothing. I went to the chairman somewhere about 12 o'clock; we had a great number there at 12, besides what we had at nine, on the polling-day, and I went to Mr. Phillips and I said "Mr. Phillips it is a great pity to see all these men going away; there is a lot yonder wants some ale and wants something to eat or to drink, and they are going away." He says, "It is no matter Mitchell, obey orders strictly, not to give anything, let them go."

7170. I may take it that you have been an active supporter of Mr. Forster, and have known him for a great number of years?—A great number of years; I was bred and born in Bradford, and I have been 22 years a soldier in Her Majesty's service.

7171. You can tell us this: Mr. Forster had been member on two former occasions?—Yes, he had; and I always supported him as a candidate.

7172. I dare say you can tell me this: I believe that Mr. Forster's election was never in any doubt for a single moment?—Never; never in the world. He was always highly honoured by all parties.

7173. I mean during the day of the polling?—No, we have not the least doubt. We canvassed nearly 200 above Mr. Ripley in our canvass books in the South ward.

7174. I presume that the real difficulty in the case was Mr. Miall?—Yes, it was; they was all Miall men, when we went the night before, that was the Monday night, our orders was from the chairman to visit all our men that we had canvassed to see if they was firm to their word, and they was so on the Monday night, but it turned all over at about 9 or 10 o'clock on the polling

morning. They wanted something for refreshments, something to eat, and they could not get it. Ours was the central committee-room for the south ward, and we lost them by not giving them something to eat and drink. They went in and bundled right down 50 men at once to Ripley. The tap-room was full, and it was crowded all outside, but we lost the whole of them because one of them said "Damn them for a dry lot; they are a hungry lot; have nothing to eat or drink; let us go where there is plenty." There was one occasion when there was three Irishmen came, but we did not know where they came from that bid for our room 10 l. for the last fortnight to turn over the other side. The landlord was good enough; he was a stranger in the town; he had only come a month previous to that; but he would not do nothing of the kind; he stuck true to us though he was a stranger to us. He was only just got into the house, but he stuck true to us though we spent nothing. Nobody called there at night except me and Robinson, and I used to get a bottle of cider. I have been a teetotaller four years, and I was ashamed to go out of the house without spending something. They all used to walk straight out as they came in. I never seed a glass of ale on that there committee table during all the time I was there.

7175. Did you see Mr. Forster at all during the progress of the election?—Many a time.

7176. Did you learn from him what his wishes were upon the subject?—Yes.

Mr. *Price*.] I do not implicate Mr. Forster.

Mr. Baron *Martin*.] As far as this man's evidence goes, and as far as this "Farm-house" is concerned, the evidence is, in truth, one way.

7177. Mr. Serjeant *Ballantine* (to the Witness).] Do you know Mr. Mumford at all?—Yes.

7178. Is he in court?—Yes; he is there (*pointing to Mr. Mumford*).

7179. Just tell me whether you have had any interview with this person?—He sent for me to the "Farm House", and he said, "Have you been on the committee, Mitchell," he says, "at this house?" I says, "Yes, I have." He says, "You was on Miall and Forster's committee." I says, "Yes." He says, "Are you not very partial," he says, "to Mr. Miall and Forster?" I said, "Yes, I am very partial who I am working for?" "Well," he says, "now during the time when you had committee meetings here, did you not used to come down and blow on?" "Blow on, sir," I said; "what do you mean?" He says, "Getting plenty of ale, and so on." I said, "No; there was never nothing of the kind."

7180. Did you see him afterwards?—No; I never seed him afterwards.

7181. Did he say anything about Wakefield to you?—No; he said he should subpoena me to say I got refreshments, and I said, "I have only had one sandwich and a cup of coffee. That was all as ever I had;" and he said he would subpoena me, and make me attend the court.

7182. That was all that passed?—That was all that passed.

7183. Was there nothing said about Wakefield gaol?—No, there was nothing said about Wakefield gaol.

J. Mitchell.

30 January
1869.

J. Mitchell.

30 January
1869.

Re-examined by Mr. Price.

7184. Then he did not offer you 100 l. for your evidence?—He offered me nothing? If he had, I should have taken it.

7185. Are you a Bradford man?—Yes; bred and born.

7186. You are a man putting yourself forward as a man of truth. Do you mean to say to the people in this big court, that if you had been offered money for your evidence, you would have taken it?—Not to turn over. I did take 5s. off of him when he gave me the subpoena.

7187. With the subpoena?—Yes.

7188. But do you mean to say, that if he had offered you money you would have taken it?—I should have taken it.

7189. What for?—That depends upon what he gave it me for. If he had offered it me deliberately—or you either, if you was to meet me, I would take money from you.

7190. I should be extremely sorry to meet you either deliberately or undeliberately; but, tell me this: those 60 were on your committee?—Rather better, I believe.

7191. Fifty were voters, you say?—Fifty were voters, or nearly about 50.

7192. Fifty ate and drank at Mr. Forster's expense on the morning of the poll?—There was more than 50.

7193. But, voters I mean?—They was committee men.

7194. Voters?—There was no voter, except he was on the committee.

7195. But they were committee men that were voters?—Yes; I said so before. I said he was obliged to be on the committee to get a sandwich. He could not get it without a ticket, and the ticket was a check for it.

7196. Therefore, to get refreshments at Mr. Forster's expense, you were obliged to go through the sham of being put down upon the committee?—No, it was a fact, not sham. There was no sham; nothing about it. We did it straight forward.

7197. What did you do for it?—I worked very hard for two months.

7198. Tell me what voters you got?—Am I to answer that, my Lord?

7199. Mr. Baron Martin.] Answer it if you like?—I have no occasion to answer to all the voters.

7200. Mr. Price.] You say that there were only 60 got breakfast, but you ordered for 400?—No, I did not order for 400. I got the order, and there was only 60 ordered for afterwards.

Mr. Baron Martin.] The landlord stated that he had been called upon to provide, on Saturday, breakfast for 400; but that, upon the following Monday morning, one of the persons connected with the election came and said that it was only for 60; but the landlord's wife had gone out to purchase provisions, and I suppose he objected, and said that after the order had been given, it was too late to stop it.

Mr. Serjeant Ballantine.] The truth being, that there were 400 tickets issued, and they were not aware that three would go to each man.

7201. Mr. Price (to the Witness).] Did you go to Mr. Boothroyd and say that it was absurd to talk of 60: that there would be four times 60 wanted?—Not four times 60. I told Mr. Boothroyd that it was hardly sufficient to order for 60 of us, because there was messengers employed, and non-voters to assist us. That is what I told Mr. Boothroyd.

7202. Mr. Price (through the Court).] Where was this other committee? How near to you was the next committee?—About 50 yards, at the "Royal."

7203. What was the name of that committee?—The Royal.

7204. Do you know or not how many were on the committee at the "Royal"?—I do not.

7205. Mr. Serjeant Ballantine.] Was it in another street and in another district?—It was the same street, but above.

[The Witness withdrew.]

CHRISTOPHER WALBANK, sworn; Examined by Mr. Waddy.

C. Walbank.

7206. Do you live at 22, Montgomery-street?—Yes.

7207. Were you at the "Mowbray Arms," in Manningham Ward with Mr. Wetherall once before the election?—On the day of the election.

7208. Was there beer being supplied at the time you were there to people in the house?—Yes.

7209. Was it a Forster and Miall house?—Yes.

7210. Did you go into the committee-room?—No.

7211. Did you get any beer?—No.

7212. Where were you?—In the front room on the left hand side of the door.

7213. How many people did you see?—There was only I and Wetherall at the time when we went in.

7214. Do you remember anybody coming in and ordering some beer while you were there?—Yes.

7215. Did he pay for it?—No.

7216. How came it that he did not pay for it?

—He called for a glass of beer, and the landlord brought it. He says, "Put this down to Forster and Miall committee." He said it was all right; and the man sat and supped his beer, and then he walked out.

7217. Did you drink any beer there at all?—No.

7218. Had you liquor of any sort?—Yes.

7219. What was it?—Whiskey.

7220. Did you pay for it?—Yes.

7221. When did you pay for it at the time?—At the time I got it.

7222. After that, did another person come into the room and make a speech?—I do not remember any speech-making.

7223. Do you remember his telling anybody in the room to do something?—They came in with the Miall party; it would be four o'clock then.

7224. When they came in, do you remember somebody standing up and telling them all to do something?—I cannot recollect.

7225. Filling their glasses; do you remember anything

anything about filling glasses?—They filled us three glasses of whiskey.

7226. Who did?—The landlord; he brought the three glasses of whiskey in. There was I and Wetherall, and another party came in that Wetherall knew, but I did not know him. We all three got a glass of whiskey each, and the landlord said it was to be put down to Forster and Miall's committee. My friend Wetherall says, "Yes," and he walked out; and in about 10 minutes or a quarter of an hour he came back, and he said, "Now, gentlemen, you are not Forster and Miall's men, and you must pay for this whiskey." I said, "Well, we did not ask

you for the whiskey; you brought it in." And he said, "Was it to be put down to Forster and Miall's committee?" And my friend said, "Yes;" and he put it down. He came in, as I told you, when Miall's party had given him the notice that he was not Forster and Miall's men; he came back, and says, "Now, gentlemen, you must pay for this whiskey." So I stood a minute or two, and I said, "We did not ask you for the whiskey;" but at all events I paid him for three glasses of whiskey.

7227. Did you see a man called John Cooke, there?—I do not know the name.

[The Witness withdrew.]

JOHN RAYNER, sworn; Examined by Mr. Price.

7228. Do you live at No. 796, Little Horton-lane?—Yes.

7229. Is that in little Horton Ward?—Yes.

7230. Are you a voter?—Yes.

7231. Were you canvassed by any party?—Yes.

7232. What was the party that canvassed you first?—Crosland.

7233. Who did he canvass you for?—For Miall and Forster.

7234. How did you vote?—For Ripley and Forster.

7235. On the morning of the polling day, did any of your friends call upon you at your house?—Yes, there was two.

7236. Barrowclough; was he one?—Yes.

7237. And Joseph Naylor?—Yes.

7238. What time did they call?—I cannot state positively.

7239. About seven?—Seven o'clock, perhaps.

7240. Where did you go with them?—To the "New House at Home."

7241. Was that a Miall and Forster house?—Yes.

7242. What did you do when you got to the "New House at Home"?—Had a little breakfast.

7243. Did you pay for it?—No.

7244. Did you see other people having breakfast?—There was another man besides me, but it was over when I got there.

7245. What was over?—The table was full of mucky pots.

7246. Did it look as if people had been breakfasting?—It looked as if there had been a lot of men getting their breakfast.

7247. What did you see on the table; did you see any food lying about?—There was some plates with some ham or beef, and some bread.

7248. There was another man getting breakfast, you say?—Yes, there was another man getting breakfast at the same time as me, but I did not know him; I did not notice him.

7249. When you went away did you see any men about the door?—Yes, there was a great many.

7250. Did you know whether they were voters or not?—They mostly went down the road, you know, to the polling booth.

7251. You saw them walking down the road to the polling booth?—Yes.

7252. Did you go down to vote yourself?—Yes.

7253. With the lot?—I should be 30 or 40 yards in front of the people going down at the same time as me.

7254. Did you vote then, or not till later in the day?—In the afternoon.

7255. Why did not you vote at once?—Because I could not get in.

7256. Were you asked to pay anything for your breakfast?—No.

7257. Did you hear anybody asked to pay anything for their breakfast?—No.

7258. You were not a committee-man?—No.

7259. Nor a canvasser?—No.

Cross-examined by Mr. Serjeant Ballantine.

7260. Did you vote for Mr. Ripley, or the other?—Ripley and Forster.

7261. Did you mean to vote in that way from the beginning?—When I was first before the election they thought I was a Miall and Forster man.

7262. You did not vote for Miall and Forster?—I did not mean to vote so; I said, if my mind did not alter, I should vote for Miall and Forster; but if any man suited me better I should change my mind.

7263. And you did change?—Yes.

7264. Barrowclough took you in here?—Yes.

7265. Who was the person that took you into the place where they had been breakfasting?—Barrowclough and Naylor; they came for me.

Re-examined by Mr. Price.

7266. Were Barrowclough and Naylor, Forster and Miall men?—Not as far as I know; I do not know who they voted for.

7267. Had you seen them at all during the election taking any part in the election, or canvassing, or anything of that kind?—No; I cannot say.

[The Witness withdrew.]

RICHARD STANDRING, sworn; Examined by Mr. Waddy.

7268. Do you know a public-house called the "New House at Home"?—I do.

7269. Where is that?—In Little Horton-lane.

28.

7270. At the time of the election was that a Forster and Miall committee-room?—I believe it was.

Y

7271. Did

C. Walbank.

30 January
1869.

J. Rayner.

—

R. Standring

—

- R. Standring.* 7271. Did you go into that house before the election, about a week before the election?—I did.
- 30 January 1869. 7272. Did you see the landlord, Mr. Charles Hillam?—I did.
7273. And did you call for some beer?—I called for a glass of beer.
7274. Tell my Lord exactly what took place about it?—I went and called for a glass of beer, and I tendered the payment for the glass of beer; the landlord says, "No, you can have another if you want one, or two"; he said, "Who are you going to vote for?" and I said, "That is no business of yours, sir."
7275. Were there other people there?—There were several people in the house.
7276. Were they drinking?—They were drinking.
7277. Did any of them pay?—I never saw any beer paid for at time I was in there.
7278. How long were you there?—About five or ten minutes.
7279. Did you pay yourself?—No; I tendered payment, and he said he would not have it; it was paid for.
7280. Do you know who paid for it then?—I do not.
7281. You say that the landlord asked you about your vote; did anybody else there ask you about your vote?—No; only the landlord asked me who I was going to vote for, and I said that was no business of his.
- Cross-examined by Mr. Serjeant *Ballantine*.
7282. Then they gave you a glass of ale, did they?—I got the glass of beer before.
- [The Witness withdrew.]

ESTHER BRANNAN, sworn; Examined by Mr. *Price*.

- E. Brannan.* 7283. ARE you the wife of Michael Brannan, who keeps the "Labourers' Arms" in Silsbridge-lane?—Yes.
7284. Was your husband's room taken by anybody for a committee-room?—Yes.
7285. How long before the election?—About eight or nine weeks.
7286. Who by?—By Mr. Dracup and Mr. Robert Hird.
7287. On behalf of what candidates?—For Forster and Miall.
7288. Used Dracup to attend the committee meetings every night they had a meeting?—Yes.
7289. What was done about drinking when the committee met there?—There was a drop of beer sent upstairs to the committee-room.
7290. Every night?—Every night of the committee meetings.
7291. Who paid for it?—I cannot say; I know the names of three men that paid. I do not know who paid upstairs.
7292. Did Mr. Dracup ever pay you?—Yes, he did.
7293. How often?—He paid me the last week he was there 2s. 6d. for beer.
7294. Who were the others that paid, do you know?—Robert Hird and James Lancaster.
7295. Those were all you knew that paid?—That is all I knew that paid.
7296. How many used to meet on an average on committee nights; but, first of all, how did Hird and Lancaster and Dracup pay you?—Lancaster paid for two or three glasses in the bar for two or three women, and Hird paid for half-a-gallon or two upstairs.
7297. Did they pay on more than one occasion?—They paid as they got the beer.
7298. Who did?—Those men, and they paid upstairs according as they got the beer upstairs.
7299. Who paid it?—I cannot tell you who paid upstairs.
7300. How many men used to attend on the average?—There was also a room full every time they met.
7301. How many would that room hold?—It is a large room.
7302. Fifty or 60;—Yes, more than that.
7303. One hundred?—Yes, very near upon 100.
7304. All committee-men?—There was all sorts. There was other parties besides; the neighbours used to come in sometimes.
7305. How many used to be there of committee-men?—I am sure I cannot tell.
7306. Fifty or 60 on committee nights?—I cannot tell you how many committee-men.
7307. There were certain nights when the committee met, and they had a room for themselves, had they not?—They had the one room for the committee and other parties; they all were in the one room.
7308. Were there so many as 100 there?—Yes.
7309. And they had been up all the night?—They paid for beer every night they had been there.
7310. Mr. Baron *Martin*.] Am I to understand you that all the beer was paid for at the time; that you had no credit?—No, we had no credit? they paid for it as they got it.
7311. Then you had no bill at all?—No.
7312. Mr. *Price*.] How long did the committee stay there?—Perhaps two or three hours of a night.
7313. Had you been up and served the ale yourself?—I had not; I had always been down in the bar.
7314. Who received the money for it generally?—My husband received most, and all that I received was from those three men that paid in the bar.
7315. How much had they paid you at a time?—Dracup paid me 2s. 6d. for beer; James Lancaster paid for a few glasses for the women, and Robert Hird paid for one-half gallon or two upstairs; they gave the money to me, and I sent it upstairs.
7316. Mr. Baron *Martin*.] You had no bill at all; I am to understand that what they had was paid for at the time?—Yes.
- [The Witness withdrew.]

GEORGE INMAN, sworn; Examined by Mr. *Waddy*.

7317. Do you know a place called the "New Inn," in the Otley-road?—Yes I do; I live close by it.

7318. I believe it was once a Ripley's committee-room?—It was.

7319. After that it became a Forster and Miall committee-room?—Yes, both.

7320. Do you know a man of the name of George Brown?—Yes.

7321. Was he a Ripleyite or a Forster and Miallite?—A Forster and Miallite.

7322. Have you seen George Brown in the committee-room at this place, the "New Inn," Otley-road?—I have seen him in the tap-room; not in the committee-room.

7323. Did you see him there on the night of the nomination-day?—I saw him there two or three nights; I cannot exactly say what night; I did not take very particular notice; I did not expect being called upon to give an account of it.

7324. What did you see him do?—I see him coming and getting a glass of beer two or three nights. Then afterwards he went out to the bar as we come in.

7325. Was there a Forster and Miall committee-room there?—Yes, there was.

7326. Did you see the bills up outside the house?—There was bills up in the window.

7327. Do you remember a man of the name of Peacock coming to the "New Inn" when you were here?—I do.

7328. Do you recollect a conversation between Peacock and the landlord of the inn about hiring it for Forster?—I will remember it.

7329. Were you present when the room was hired for Forster and Miall?—I was present when they came about it.

7330. Who came about it?—There was Mr. Alfred Peacock, Samuel Tetley, and three or four more; there would be six or seven of them about it.

7331. Tell us what took place?—They gets a quart of ale when they came in; then they called for a second quart of ale, and when the second quart of ale came in Alfred Peacock said —

7332. Tell my Lord exactly what took place at the time the room was hired after the necessary preliminaries?—When the second quart of ale comes in Alfred Peacock says, "Thompson, have you promised your vote?" The landlord says, "Not exactly." Peacock says, "If you have not, we want a committee-room here." So Thompson says to him, "Well," he says, "My house is at liberty for all parties, and they are welcome to all."

7333. What took place about the room upstairs and the room down?—I cannot exactly say what took place about the room upstairs and the room down, but I said to Peacock that it was not altogether right them coming there when we had taken the house first for Ripley's committee.

7334. Mr. Baron *Martin*.] You were a Ripley man?—Yes.

7335. Mr. *Waddy*.] The Ripley room was upstairs, was it not?—We was sometimes upstairs and sometimes down; after that we took the room upstairs altogether; the landlord promised we should have a room upstairs to ourselves.

7336. What became of the room downstairs?—They had a back room downstairs.

28.

7337. Mr. Baron *Martin*.] Then there were two committee-rooms in the house?—Yes, there was.

7338. Mr. *Waddy*.] How long did the Forster and Miall's party continue in the house?—Perhaps three weeks about; they came once or twice a-week.

7339. Did they continue to have that room up to the time of the election?—No, they did not; they broke off about the time of Salt and Read, and Storey and Brazier."

7340. That is the municipal election?—Yes; it would be perhaps a week after that.

7341. Mr. Serjeant *Ballantine*.] Was this a Salt affair or a municipal affair?—They wanted to take it for Forster and Miall.

7342. Mr. *Waddy*.] Had you during the time this was going on seen George Brown paying for anything there?—As I told you before, I seed him come in and get a glass of ale, and he went out to the bar and then beer came in in half gallon jugs.

7343. What was done with the beer that came in in half-gallon jugs?—It was drunk by the company.

7344. And did you get any of it?—I cannot say that ever I did.

7345. Did you see anybody who had it pay for it?—I know parties that did not get it.

7346. Did you see anybody pay for it at all?—No, I did not.

7347. When was it; the last time I mean?—I cannot say exactly.

7348. As near as you remember?—Some day or two before the election.

7349. Which election?—The borough election.

7350. After the municipal election?—Yes, a long while after the municipal election.

7351. Did you hear any particular name given to the beer?—I heard a party of the name of James Peacock say it was Miall beer; it was not Ripley beer.

Cross-examined by Mr. Serjeant *Ballantine*.

7352. Brown was the secretary of Salt and Read's committee?—Not there.

7353. What was he secretary to?—Not at the "New Inn."

7354. Was he general secretary, to your knowledge, of Salt and Read?—I do not know who was the general secretary.

7355. Do you know that he acted for Salt and Read?—I have heard he did, but I have not heard where at; I have heard that he took a certain part for Salt and Read, but where at I do not know, nor what part he did take.

7356. It became a Ripley house after the municipal election?—It was a Ripley house from the first to the end, one part of it, and then Miall and Forster for the other.

7357. But the Liberals went out after the municipal election, did they not?—No, they kept it on till the borough election, and after.

7358. But you just said that they went out after the municipal election?—I said the Miall and Forster lot went out after the municipal election.

7359. That is what I say, the Miall and Forster party went out after the municipal election?—

G. Inman. tion?—I understood that you was asking me about Ripley.

30 January
1869.

Re-examined by Mr. Price.

7360. During the time whilst the municipal election was going on it was a Forster and Miall house?—It was a Forster and Miall house, and a Ripley's and Storey's and Braziers.

7361. Who were they?—They was putting up for the town council.

7362. They were in opposition to Salt and Read?—They was.

7363. You had a jolly time of it; there were two parties in your house in the municipal and two parties in the borough election?—So there was at every public-house, in our ward, however.

7364. At every public-house in your ward

there were all those four lots going on at the same time, were there?—Yes, there were.

7365. Mr. Baron *Martin*.] Do you mean that there were two committee-rooms in every house?—One committee-room was occupied one night for Ripley, and the other night for Storey and Brazier; Salt and Read had it occasionally along with Miall and Forster; one lot one night and another another.

7366. Mr. Price.] Were the same men who were on the committee for municipal purposes who belonged to one party or the other the same men who were the committee for the borough election?—They was.

7367. There never was such a time known in Bradford, I should think?—I never seed such a time.

[The Witness withdrew.

JOHN COCKCROFT, sworn; Examined by Mr. Price.

J. Cockcroft. 7368. You keep the "Airdale" Hotel, do you not?—Yes.

7369. That is in the east ward?—Yes.

7370. Was your house a Forster and Miall house, the head quarters?—Yes; it was the central house for the east ward.

7371. Did you vote yourself?—No, I did not.

7372. How long was your house, before the election, hired for Forster and Miall?—On the 18th of August they took the rooms.

7373. Had you a municipal party at your house as well?—Yes, I had.

7374. Was that the same party who came for Forster and Miall?—Partly, not all.

7375. A part of them were the same?—Yes.

7376. Who were you paid by; were you paid at the central committee-room?—Yes.

7377. Had you anything going on at the municipal election in the way of entertainment?—In what sense; I do not know what you mean.

7378. Eating and drinking?—Yes, we had.

7379. What were they, breakfasts or suppers, or what, that they had?—They were dinners; there was no breakfast provided, but dinners, teas, and suppers.

7380. Who partook of them?—I really cannot say.

7381. But were they committee men?—I am speaking of the municipal election.

7382. So am I speaking of the municipal election; were they the same men who were Forster and Miall's committee men?—Partly, not all of them.

7383. Who paid for all that?—Mr. George Brown, the secretary, paid me.

7384. Mr. Baron *Martin*.] Are you now speaking of the municipal or the borough election?—The municipal election, my Lord.

7385. Mr. Price.] Who is George Brown; was he a Forster and Miall man?—Yes.

7386. Did he belong to the committee?—I do not know whether he did or no.

7387. Where did you go to see him to get the money?—He paid me in my own house.

7388. Used he to attend the committee at your house?—For Salt and Read he did.

7389. And for Forster and Miall?—I will not say for Forster and Miall.

7390. Were you paid anything by a man of the name of Hood?—Yes, I was.

7391. Who was Hood?—I do not know; he is a manufacturer, or something of that sort.

7392. Was he a Forster and Miall man?—Yes he was.

7393. What did he pay for?—He paid for a supper.

7394. Were nearly all that were there for whom he paid you, or pretty nearly all, on Forster and Miall's committee?—I cannot say; I did not see them sit down at all.

7395. Nearly all?—I cannot say.

7396. Did you see them about the room at the time?—I cannot say; I never went into the room while they were sitting down at the table.

7397. Did Forster and Miall's committee keep your house up to the day of the election?—Yes; on the 18th I got paid.

7398. On the day of the election did you receive any orders about refreshments?—I did.

7399. Who from?—I got a verbal order from the chairman of the ward.

7400. Who is the chairman?—Joshua Pollard, the stuff merchant.

7401. Is that the gentleman who is called Captain Pollard?—No.

7402. Was he a Forster and Miall man?—Yes; Joshua Pollard was his name.

7403. He gave you an order for what?—He gave me a verbal order for refreshments to be supplied the next day to the polling clerks in his districts.

7404. Only to the poll clerks?—Yes; it was a verbal order.

7405. Whom did you provide for?—I cannot say in the aggregate; I had an order.

7406. I do not care about the aggregate, but about how many; what was your bill?—I think I provided for 80 or 100.

7407. They were not all poll clerks that that would be for?—They had to have two meals each; there was 40 of them on the order, poll clerks, and messengers, and what not.

7408. I want to know what the notes were; were there 40 poll clerks for that ward do you say?—That is as I understand the order.

7409. They told you they wanted refreshments for 40 poll clerks in that ward; how many polling places were there in the ward?—I do not know; I sent to two or three places.

7410. Mr. Baron *Martin*.] How much was your bill?—Our bill was 17*l.* 2*s.* 11*d.*, of which I had 1*l.* 5*s.*

7411. Mr. Price.] What was the 17*l.* for?—For refreshments.

4712. Did

7412. Did not the members of Messrs. Forster and Miall's committee partake of those refreshments?—Only very few.

7413. How many were on the committee altogether?—I cannot tell you that.

7414. As near as you can tell?—I cannot say. Sometimes there might be a dozen come to the committee-room, and sometimes more.

7415. How many was the largest number you have seen as being members of the committee?—There might be 20 or 24; there would not be more.

7416. In what rank of life were those half-dozen or so committee-men who came and breakfasted; were they working men, labourers, or gentlemen, like Mr. Pollard?—There was not no labourers whatever; nothing of that class at all.

7417. Were they labouring men?—No, I think not.

7418. What were they?—I believe Mr. Hood was one. I believe there was a Mr. Whalley one.

7419. What were the others?—I really cannot say; it is so long since that I do not remember who did partake of breakfast, but I know those two men did.

7420. Mr. Baron *Martin*.] What day was the breakfast?—The morning of the polling.

7421. Mr. *Price*.] Who were the others that partook of it; 17 *l.* is a largish sum; how many did you have to breakfast?—Thirty; but there was about 20 of them drivers of vehicles.

7422. Were they to drive the voters up?—I did not know their purpose. I expected that that was what they were employed for; they were all strangers to me.

7423. Did you get a written order?—Eventually I did.

7424. Where is it?—In my pocket.

7425. Let us have a look at it?—Here it is (*handing the same to the learned counsel*).

7426. "Bradford borough election; Messrs. Forster and Miall committee, Bradford, 1868. 50 a meal to night or to-morrow; 45 on night duty; one at 11; one meal at 3.21, at the booths; 40 drivers and clerks, two meals each; 30 poll clerks, two meals each; and 12 paid canvassers?—Yes, that is the bill.

7427. Were there hired conveyances to take the people up to the poll; did those drivers wear livery?—I cannot tell you that.

7428. You say drivers; do you mean to say that they were gentlemen's servants, or were they the ordinary cabmen of Bradford?—They appeared to be gentlemen's private conveyances.

7429. I am asking you about those drivers, whether they were Bradford men; tell me whether those were ordinary cab-drivers, or whether they looked like gentlemen's servants?—They looked like gentlemen's servants.

7430. In livery?—No, there was none in livery to my recollection.

7431. You mean to represent that there were 30 gentlemen's conveyances there?—I cannot say how many there were.

7432. Did the conveyances put up at your house?—No, they did not; they all met there in the morning, and they were told off to the different stations.

7433. Who told them off?—I really cannot say what the name of the man was just now.

7434. Were they private conveyances?—Yes.

7435. Will you swear that?—Yes.

7436. All of them?—Yes, all of them.

7437. None of them cabs?—Not to my recollection.

7438. How long did the refreshment go on at your house during that day?—It continued up to five o'clock at night; but I had very few in the house; I merely had to send out what was on this bill; to send it out to the polling booths and different places.

7439. Did you send out any suppers the night before?—No, I did not.

7440. I think you have told me that the municipal people were in your house for some time?—Yes.

7441. Was there what was called the Liberal Electoral Association at your house?—Yes.

7442. For how many months?—As near as I recollect they took the house in June, the Liberal Electoral Association did.

7443. They were, in fact, known to be the Liberal gentlemen who continued to bring out Mr. Miall?—Yes, I believe it was for that purpose.

7444. They were afterwards active supporters of Forster and Miall?—Yes, part of them.

Mr. Serjeant *Ballantine*] That is so, no doubt. I have nothing to ask the Witness.

[The Witness withdrew.]

Mr. HENRY WEBSTER BLACKBURN, sworn; Examined by Mr. *Waddy*.

7445. I BELIEVE you are an Accountant in this town?—I am.

7446. Have you been instructed this morning to take the returns as they have been delivered in, and make some calculations?—Yes, I have.

7447. Mr. Baron *Martin*.] Have you had Messrs. Forster and Miall's returns put into your hands?—Yes.

7448. Mr. *Waddy*.] Have you counted the number of the committee-rooms that are down there?—Yes, I have.

7449. How many are there?—157 altogether.

7450. How many of them were held at public-houses?—129.

7451. Have you counted up the number of separate payments that there are for clerks and messengers?—There are 594 separate payments.

7452. Have you had put into your hand some

refreshment tickets?—Yes, I have had two bundles.

7453. Have you counted the number of those tickets altogether?—I have not counted all of them; not the number of them.

7454. You must give us that afterwards; but in the meantime, have you collated them with the register of voters in the South Ward?—I have.

7455. And how many of them do you find bearing the name of voters in the South Ward?—82 of them.

7456. And have those voters who are so registered voted for Forster and Miall?—They have.

7457. Have you also taken the amount given in this account for refreshments?—Yes.

7458. Mr. Baron *Martin*.] How much was it over the whole election?—Over the whole election it was 247 *l.* 14s. 6d.

Mr. H. W.
Blackburn.

30 January
1869.

Mr. Waddy.] It was agreed between Mr. Serjeant Ballantine and myself that those receipts were for refreshments on the polling day.

Mr. Baron Martin.] Mr. Serjeant Ballantine stated what he said was the result of the refreshment tickets, but Mr. Blackburn is speaking of the entire election.

Witness.] I understand those papers to mean refreshments over the whole election.

Mr. Waddy.] Will you look at the vouchers, because no vouchers for refreshments are put in, except the vouchers for refreshments on the polling day.

Mr. Pope.] It is not so.

Mr. Waddy. Then I am mistaken; but I think, my Lord, I may ask Mr. Blackburn to look at them.

7459. (To the Witness.) Assuming for the moment that those are for refreshments on the polling day, have you calculated the average of how many persons were refreshed according to those tickets?—Taking the average refreshment at 1s. each man, it would be 4,924.

7460. Mr. Serjeant Ballantine.] I do not understand your proposition?—I am asked by Mr. Waddy what number of persons would that represent; assuming 1s. each man, there would be 4,924 men.

7461. Mr. Waddy.] Just look at those receipts (*handing the same to the Witness*), and see whether it is the fact that you find anything there for the polling booths?—The document put into my hand is a copy from the original vouchers, and 233*l.* 19*s.* 7*d.* appears to have been expended on that day.

Mr. Serjeant Ballantine.] We are entirely agreed upon that.

7462. Mr. Waddy.] How many voters received refreshments from those tickets?—Seventy-two voters received refreshments from those tickets.

7463. Have the kindness to count for us the entire number of those tickets?—564 tickets.

7464. From where?—From two houses, the "Farm House" and the "Royal."

7465. Have you examined how many voters there were amongst the clerks and messengers?

—There are 97 either voters or parties of the same name.

7466. In the same ward?—Yes, the same names and addresses, and in the same ward.

Cross-examined by Mr. Serjeant Ballantine.

7467. Are you aware that some of the tickets represent 1½*d.*, and some of them 3*d.*, and others of them 6*d.*?—They are for coffee, ale, and sandwiches; that is the description of them.

7468. It does not matter what they were for; but are you aware that they were three different prices?—Yes; they are marked so.

7469. How have you dealt with them in your calculation?—Those only apply to two houses.

7470. How have you dealt with them?—I have not taken those in detail.

7471. Not in any way whatever?—No; that is, I have not taken those and ascertained what was paid to each individual.

7472. Mr. Baron Martin.] How do you get at the 233*l.* 19*s.* 7*d.*?—I get it from their own accounts, from the vouchers.

7473. You did not take that from the ticket?—No, my Lord.

7474. Mr. Serjeant Ballantine.] How many public-houses did you say there were?—One hundred and twenty-nine public-houses.

7475. Have you ascertained that out of those, 62 only served refreshment?—I have not counted them in that shape, but I can very quickly do so.

7476. I will not trouble you, I only wish to call my Lord's attention to that.

Mr. Baron Martin.] You will, I suppose, have evidence upon this matter?

Mr. Serjeant Ballantine.] Yes, my Lord.

Mr. Baron Martin.] As far as you have gone Mr. Blackburn, has given his evidence very fairly, and you will probably ascertain whether his statement is correct.

Mr. Serjeant Ballantine.] Substantially it is correct, no doubt.

After examining the documents, the Witness stated that he had ascertained that only 52 public-houses supplied refreshments.

[The Witness withdrew.]

ANN LONG, sworn; Examined by Mr. Price.

Ann Long.

7477. ARE you the landlady of the "Cross Keys"?—Yes.

7478. Was your house taken as a committee-room for anybody?—Yes.

7479. Who for?—For Forster and Miall.

7480. How long did they have your rooms?—I think 11 weeks; it was taken in August.

7481. How often used the committee to meet there?—For some time they had it twice a week, and for some time three and four times a week.

7482. Did you have also a committee for the municipal election at your house?—Yes, I had.

7483. Were they pretty nearly the same people as attended the other committee?—Some of them was.

7484. Had Mr. Salt used to come there?—I think he was there once, but I cannot swear.

7485. Was there a supper given after the municipal election?—Yes.

7486. A thanksgiving supper?—I do not know what they called it.

7487. Who paid for that supper?—Mr. Daniel Tracey paid me; he was the chairman.

7488. Who is Daniel Tracey?—He was the chairman at my house.

7489. Chairman for whom?—Mr. Miall.

7490. On the polling day had you any breakfast prepared?—Yes.

7491. How many did you have breakfast prepared for?—I dare say 66, as far as I can remember.

7492. What did you provide for them?—I had a round of beef, and a leg of mutton, and part of another round of beef.

7493. Pork pies?—I had some veal pies and mutton pies.

7494. What did you find for drink for them?—They would not have no tea nor coffee; I gave them some ale with their breakfast.

7495. Who were those people who breakfasted?—I do not know; I was ordered to get it ready for a lot of canvassers, and the committee, and a lot

lot of men who was out that night; and I was ordered to get it ready by half-past five o'clock in the morning.

7496. Mr. Baron *Martin*.] Did you get paid?—Yes, I did.

7497. How much did you get?—I got something short of 13*l*.

7498. Mr. *Price*.] You charged 13*l*?—But I have drawn it in twice; on the 11th of October I drew 2*l*., and the other I have drawn upon the second day, I believe after the borough election.

7499. Do you know a man called Sinaeon Laycock?—Yes.

7500. Did he take an active part in the election?—Yes; at the municipal election, he did.

7501. Just let me know what was your bill for the municipal election; was it 16*l*.?—It was more than that.

7502. Was it 20*l*.?—No, it was not 20*l*.; it was 19*l*. and something.

7503. What was that given in; was it drink and refreshments?—Refreshments and breakfasts.

7504. I should like to look at Mrs. Long's bill; you said you sent in a bill for 13*l*., as I understand?—No, I did not; a man made it out for me; a man of the name of Wayland, and Mr. Bingham said it was not right.

7505. How much was it made out for?—It was made out for 13*l*.

7506. Who is Mr. Bingham?—I do not know, only they call him Bingham; he said it was not correct. He said he thought it was rather too much; so I said, "Well," I said, "you can pay what ever you think is right." Then he made it out to come to something short of 11*l*., and 2*l*. I got before. I got 13*l*., all but something short; some coppers short.

7507. I find a receipt of the 20th of November for 3*l*. 7*s*. for the use of committee-room; when this was made out, how much did you send in in your bill for refreshments?—I do not know how much I sent in for refreshments; he made it out altogether. I took it myself; I kept no book.

7508. There is another receipt, which is a receipt for 2*l*. for rent of room?—Yes.

7509. Mr. Baron *Martin*.] That is what you told us of before, the 2*l*. on account?—Yes, my Lord; I drew first 2*l*. on the 11th of October.

7510. Mr. *Price*.] Was there any bargain originally made as to what you were to let your room for?—Yes; for half-a-crown a night, as many nights as they took it.

7511. How many nights did you make up that they had your room?—For the first two months I think they had it two nights a week.

7512. That will be 5*s*. a week?—Yes.

7513. For how many weeks do you think they had it two nights a week?—I cannot recollect. I think I got paid up to that time; when I got the 2*l*., I think I was paid all but one night.

7514. When you had got your 2*l*., had you got all that you thought you were entitled to for the rent of the room?—Yes, all but one night.

7515. If you had had 2*l*. 2*s*. 6*d*., you would have been all right?—Yes.

7516. Instead of that, they have given you 5*l*. 7*s*.?—Yes.

7517. Mr. Baron *Martin*.] Were you overpaid for your room?—No; they took it the last week for eight days at 4*s*. a-day for the last week.

7518. Mr. *Price*.] Then I understand when you got your 2*l*., which you had received on account, you considered that you were then paid all that you could demand for rent?—All but one night.

7519. When did you get the 2*l*.?—I got it on the 11th of October, as far as I can remember.

7520. What had you to charge against that for the rent of the room after that time?—I do not know; I left that to themselves. I did not keep an account of it, but I left it to themselves how many nights they had been. I did not put it down.

7521. Mr. Bingham made out the account for you?—Yes.

Mr. *Price*.] I should like to ask for Mr. Bingham's account; the original account.

Mr. Serjeant *Ballantine*.] I have not got it.

7522. Mr. Baron *Martin*.] Is it your own house?—Yes, my Lord, I am a widow with three children.

7523. Mr. *Price*.] You did not keep any books; how did you keep an account of the refreshments, so as to make out any account at all?—I put it down on a slate.

7524. Did Mr. Bingham copy it from the slate?—No, he did not.

7525. How did Mr. Bingham make it out?—I got another man to make it out, of the name of Wayland, and I told him as far as I could what it came to; it was for refreshments and my trouble.

7526. How much did you make out to; how much for refreshments, and what you call your trouble?—I cannot recollect what it was.

7527. How much out of the 13*l*. as near as you can remember; as much as 10*l*.?—No, it was not.

7528. How much?—I cannot recollect; I cannot, indeed.

Cross-examined by Mr. Serjeant *Ballantine*.

7529. I have not quite understood this; you received 2*l*., that was on account of the room?—Yes, I received 2*l*. on account of the room.

7530. Did they use your room subsequently?—They had it any night they liked to come.

7531. How many nights do you suppose they had it?—For the first two months, I think, they only had it two nights a week, and then for the last week, every day.

7532. And every evening?—Yes.

7533. I believe you rather complained that they were not such over good customers?—There was no ale going off, they were not spending money. I thought they had not spent enough.

7534. I suppose that is why you charged under the name of your trouble?—Of course, I had a deal of trouble cooking, and I were up all night the night before, and the day before getting the breakfast ready. I was up nearly all the night getting it ready.

7535. At all events you were up the whole night?—I was up part of the night.

7536. I dare say you did not think you had been much overpaid?—I was satisfied with what I had got.

[The Witness withdrew.

Ann Long.
—
30 January
1869.

BENJAMIN CLOUGH, sworn; Examined by Mr. Waddy.

B. Clough.
30 January
1869.

7537. Do you live in Bolton Road, in the East Ward?—I live in the North Ward, now. I did live in the East Ward.

7538. Do you know a place called Rearden's beerhouse?—Yes.

7539. Was that a committee-room of Forster and Miall?—Yes.

7540. Where is that?—In the Bolton Road.

7541. Do you remember a short time before the municipal election a deputation coming to address the people there?—Yes.

7542. That was a deputation on behalf of Salt and Read, I believe?—Yes, it was.

7543. They were candidates for the municipal election for that ward?—Yes.

7544. Do you remember who composed that deputation?—Mr. Bingham, Mr. Councillor Haley, and Mr. Snowden.

7545. Did they make speeches?—Mr. Haley and Mr. Snowden did; Mr. Bingham was made chairman.

7546. What were they talking about; was it about Mr. Salt?—The conversation was, proposing Mr. Salt and Mr. Read to be the fit and proper candidates for the municipal election, and along with that they got into conversation about Miall and Forster being friends of Mr. Snowden's; they said they should like them to be made Members of Parliament, as well.

7547. Do you remember anything about achieving a victory?—Yes; Mr. Haley said he thought as they had achieved a victory in the East Ward, in the municipal election, no doubt he would achieve the same glorious victory for the borough.

7548. Do you mean the borough election; for the whole borough?—For the borough election; Forster and Miall, of course.

7549. During the whole time this conversation

was going on, was any drinking going on in the room?—Yes, there was.

7550. Who brought the beer in?—The landlord brought the beer in and another man, I do not know who he is.

7551. Do you know who ordered the drink?—I cannot say who ordered it in the first instance. I never heard any orders except from Mr. Snowden. He said, "I cannot talk when I am dry," and the consequence was they took the can down again.

7552. The consequence was they took the can down and they filled it again?—Yes.

7553. What sort of a can was it?—It would hold three gallons, I dare say.

7554. Was it brought up full?—I would not say, but I expect it was; I saw it poured out in glasses all round the table.

7555. Was it totted round?—No, not totted round. Every man had a glass a piece, and they were half-pint glasses.

7556. After this was over, did you go down stairs when Mr. Bingham, Mr. Faley, and Mr. Snowden went down stairs. Did you go down stairs about the same time?—I did, I followed them down stairs.

7557. Did you see them go to the landlord?—I saw them go to the bar, to the landlord, to Mr. Rearden.

7558. What took place then?—They asked him what there was to pay, and he said 14 s., or just about that amount. I would not be particular to a copper or two, and I heard them pay it.

7559. Do you know what they did after that?—They went away to some more meetings. The "Cross Keys" was the next, I believe.

7560. Mr. Baron Martin.] What was the name of this house?—The "Dublin" hotel.

[The Witness withdrew.]

MR. GEORGE POOLE, sworn; Examined by Mr. Price.

Mr. G Poole. 7561. You are an Auctioneer in Bradford?—Yes.

7562. Do you know Mr. Dracup?—Yes.

7563. What position in life is he in?—He is a tradesman in the clogging trade.

7564. A master tradesman?—Yes.

7565. A man in very good business?—Yes.

7566. Not a labouring man, or anything of that kind?—No, he is a master.

7567. He has a shop, has he not, and he resides on his own property?—Yes.

7568. In Silsbridge Lane?—Yes.

7569. Tell me what position Mr. Hird is in?—He is a shopkeeper in a very good position too; he lives in part of his own premises, and lets the remainder.

7570. Mr. Middleton, who is he?—He is a shopkeeper; a druggist in Westgate.

7571. The two Mr. Robertshaw's; do you know one of them, or both of them?—I cannot tell the one from the other.

7572. But they are respectable people?—Yes, they are manufacturers.

7573. And Lockwood Stephenson, is he a man in a good position?—He is a master butcher.

7574. Mr. Lancaster; do you know him?—He is also a shopkeeper in Silsbridge Lane.

7575. And Mr. Mortimer, the same?—Yes.

[The Witness withdrew.]

Mr. Price.] If your Lordship will allow us to adjourn now, I have left the subject of treating altogether.

[Adjourned to Monday next,
at Ten o'clock.]

Monday, 1st February 1869.

SAMUEL STOREY and THOMAS GARNETT - - Petitioners,

AND

WILLIAM EDWARD FORSTER - - - - Respondent.

Mr. Price stated that he wished to have the account of Mrs. Martha Fox, of the "Royal Hotel," and that of Nathan Halliday, of the "Spinkwell Inn," and any others that his learned friend could hand in. 1 February 1869.

The following Accounts were handed in:—

"Royal Hotel," Bradford,
27 November, 1868.
Messrs. Forster and Miall's Committee
To Martha Fox.
1868:
Beer morning of poll - £. s. d.
23 cups of coffee, 3 d. - - - 3 7
131 glasses beer, 1½ d. - - - 16 4½
100 sandwiches, 6 d. - - - 2 10 -
£. 3 15 8½
Correct,
Wm. Cannan.
Jos. Boothroyd,
Chairman S. W.
Receipt, No. 903.

BRADFORD BOROUGH ELECTION, 1868.
903.
Forster and Miall's Committee.—Martha Fox.
"Royal Hotel," Bradford,
27 November 1868.
Received from the agent for election expenses of the
above candidates, the sum of Three pounds 15s. 8½d.,
for refreshments, being the amount due from him to
me, as per certificate given by South Ward.
£. 3. 15. 8½.
Settled, 27 November,
A. Tate.

Bradford, 20 November 1868.
Mr. Forster's Committee.
To Nathan Halliday.
£. s. d.
16 persons to breakfast, at 2s. each 1 12 -
To refreshment during the day - 3 3 -
£. 4 15 -
Sub-Committee,
W. Mossman.
Receipt, No. 942.

BRADFORD BOROUGH ELECTION, 1868.
942.
Forster and Miall's Election Committee.—Nathan
Halliday.
"Spinkwell Inn," Bradford,
1 December 1868.
Received from the agent, for election expenses of
the above candidates, the sum of Four pounds 15s.,
for refreshments, being the amount due from him to
me, as per certificate given by North Ward.
£. 4. 15. -.
Sarah Halliday, + his mark.
Witness, W. L.

Bradford, 26 November 1868.
Messrs Forster and Miall's
To P. McCarty.
To refreshments, &c. for committee—£. 2. 3s.
Receipt, No. 873.
(signed) Calvin Robertshaw.

BRADFORD BOROUGH ELECTION, 1868.
873.
Forster and Miall's Election Committee.—Patrick
McCarty.
"Plasterers' Arms,"
Longcroft-place, Bradford,
26 November 1868.
Received from the agent, for election expenses of
the above candidates, the sum of Two pounds 3s., for
refreshments on polling day, being the amount due
from him to me, as per engagement certificate given,
No. , West Ward.
£. 2. 3. -.
Patrick McCarty, + his mark.
A.B.
Witness, J. Lund.

February
1869.

Bowling, November.

Messrs. Forster and Miall's Committee,

Dr. to Hy. Thornton.

			£.	s.	d.
To 4 weeks' rent for use of front room,	3	-	-		
at 15s.					
1 September	"	"	large	"	- 7 -
3 "	"	"	"	"	- 7 -
9 October	"	"	front	"	- 4 -
15 "	"	"	"	"	- 4 -
16 "	"	"	"	"	- 4 -
5 November	"	"	large	"	- 7 -
12 "	"	"	"	"	- 7 -
13 "	"	"	"	"	- 7 -
17 "	"	"	Use of large and small up-		- 15 -
	"	"	stairs room (polling day).		
"	"	"	Use of back room downstairs	-	5 -
"	"	"	Refreshments for picket	-	5 -
"	"	"	Breakfast for seven	-	4 8
"	"	"	1 gall. ale, 1s. 8d.; rum,	-	2 11
	"	"	10d.; tobacco, for picket,		5d.
"	"	"	Ale - - - -	1	- 1½
"	"	"	Brandy, 1s. 4d.; gin, 3d.;	-	1 10
	"	"	port wine, 3d.		
Carried forward	-	-	£. 8	1	6½

Brought forward	-	-	£. 8	1	6½
"	"	"	Bottled beer, 7s. 6d.; cigars,	-	14 6
			7s.		
"	"	"	Refreshments, &c. &c. &c.	-	12 13 2
"	"	"	Oatmeal - - - -	-	5 8
				£. 21	14 10

Ward Chairman.

Geo. B. Cole, Secretary.

Geo. Pearson, Ward Chairman.

Receipt, 329.

$$\sqrt{\frac{E}{70}}$$

BRADFORD BOROUGH ELECTION, 1868.

329.

Forster and Miall's Election Committee.—
Henry Thornton."Napoleon," Bradford,
26 November 1868.

Received from the agent, for election expenses of the above candidates, the sum of Fifteen pounds 7s. 10d., for refreshments, being the amount due from him to me, as per certificate given by Bowling Ward.

£. 15. 7. 10.

Received, B. Henry Thornton.

N. A.B.

WILLIAM HENRY WRIGHT, sworn; Examined by Mr. Waddy.

W. H.
Wright.

7576. WERE you the landlord of the "Edinburgh Hotel," Caledonian-street, Bowling?—Yes.

7577. Was your house a Ripley house?—Yes.

7578. Do you know a man of the name of George Pearson?—Yes.

7579. What is he?—A brick and tile maker.

7580. Are his works near your house?—Not far off, perhaps 150 or 200 yards.

7581. Is he an employer of labour?—Yes.

7582. Do you know who he employs; have you seen them?—Part.

7583. Was he chairman of the Forster and Miall committee in the Bowling Ward?—Yes.

7584. Do you remember one night, when Mr. Ripley's committee had been sitting there, his coming to your house when it was over nearly?—No; that committee sat, but two men that belonged to it had been at a meeting at another place.

7585. When he came in the committee was not sitting, was it?—Not at that time.

7586. When he came in, were there any persons in the tap-room?—The person that came in came forward into the bar.

7587. Answer my question; when he came in, were there any persons in the tap-room?—Yes, there was.

7588. Do you know whether those persons, or any of them, were voters?—Part was voters, and part not.

7589. Did he order anything?—He ordered two half-gallons of beer.

7590. What did he tell you to do with it?—My man took it into the tap-room; he took the first in.

7591. Did you hear, when the ale was taken

in, Pearson saying anything to the company?—At the bar I heard them hurraing and spinning their hats.

7592. Did you hear what they were hurraing about; what form did their hurrahs take?—It was Forster and Miall.

7593. Did he come into your house, before the election, on more occasions than one?—Yes.

7594. Mr. Baron Martin.] Who paid for this beer, did he pay for it himself?—He paid it me; he paid me at the bar window.

7595. Mr. Waddy.] Before the election did he come into your house more than once, or how often?—He used to come regularly before the election started, he came to pass away his time; he had been there many times as a customer before the election, and paid for glasses before the election for men.

7596. Mr. Baron Martin.] I suppose that is a thing common enough in Bradford?—I do not know.

7597. Mr. Waddy.] Has he done it since the election?—I do not know that I have seen him at the house since.

7598. Had you, at the time he came, any Ripley cards in your window?—Yes.

7599. He knew that you were a Ripley, then?—Yes.

7600. When he came, did you hear him canvass the people at all?—I have heard what others said.

7601. But did you hear him say anything?—No.

Mr. Serjeant Ballantine stated that he had no question to put to the Witness.

[The Witness withdrew.]

MATTHEW DUCKWORTH, sworn; Examined by Mr. Waddy.

7602. Do you live at Bowling, and are you a stonemason?—Yes.

7603. Were you in the bar of the public-house of the last witness, William Wright, when Pearson came in?—Yes.

Mr. Baron *Martin*.] Subject to what my brother Balantine may say, it seems to me to have been proved that on several occasions persons who were supporters of Forster and Miall went into public-houses, paid for beer there, and treated the people who were

there; that appears to me to have been proved, and it is useless to go on repeating it.

Mr. *Price* stated that his learned friend had given him to understand that no tickets had been used in any other ward but the South Ward, and he wished to call a witness to show that tickets had been used in another ward.

[The Witness withdrew.

Mrs. HARRIET HESSE, sworn; Examined by Mr. Waddy.

7604. ARE you the wife of Mr. Thomas Hesse, of Stott Hill?—Yes.

7605. Do you know John McCann's, the "Forester's Arms"?—Yes.

7606. On the polling day of the borough election, did you go to the "Forester's Arms" and help to cut up a quantity of provisions?—Yes.

7607. How much was there?—There was a ham, two lumps of beef, and two legs of mutton.

7608. Did you see how that was disposed of?—It was disposed of to men; I did not know whether they were canvassers, or what they were; it was given out by tickets.

7609. Mr. Baron *Martin*.] The men brought a ticket?—Yes.

7610. Mr. *Waddy*.] Did you see where they got the tickets from?—From the next room; it was given out by a gentleman, written out by a gentleman.

7611. How many tickets were given to each person?—Five tickets.

7612. Do you know what was the value of the tickets; how much you were to give for each ticket?—Sixpence each.

7613. Was that a Forster and Miall house?—Yes.

7614. Mr. Baron *Martin*.] Six pennyworth of meat was given for those tickets?—It was given out in sandwiches, and they were to be 4*d.*, and a cup of tea, or a cup of coffee, or a glass of beer was to be 2*d.*, making 6*d.*

Mr. Serjeant *Ballantine* stated that substantially it was so.

7615. Mr. *Waddy* (to the *Witness*).] Each person got five tickets?—Yes; each person got five tickets; it was of the value of 2*s.* 6*d.*

7616. Do you know what Ward the "Forester's Arms" is in?—The East Ward.

7617. Was that a Forster and Miall house?—Yes.

7618. Did you see a gentleman of the name of William Irving there?—There was a gentleman of that name there.

7619. Did you hear him give orders?—Yes.

7620. What orders did he give?—Mrs. McCann came to me about seven in the morning, and said there was to be a breakfast, and they were to have sandwiches and beer, but she said they were to have no tea or coffee; when we were cutting up the sandwiches Mr. Irving came in and said, "I will tell you what they are doing at other houses; they are making sandwiches, and serving tea, charging 4*d.* each; giving a cup of tea, or a cup of coffee, or a glass of beer for 2*d.*, to make up the 6*d.*; every one is allowed sixpennyworth;" and these things were only to be given to the men who produced the tickets.

Cross-examined by Mr. Serjeant *Ballantine*.

7621. This was on the day of polling?—Yes.

Mr. Baron *Martin*.] I think it has been proved that on the polling-day tickets were given, as the witness has stated.

Mr. *Price* stated that he had an account before him from Forster and Miall's election committee, 3*l.* 9*s.*, for refreshments; John Hunt, of the "Rose and Crown," and that it was initialled at the back, or signed "E. C. Pollard;" that it was certified by him, and there was a receipt apparently for refreshments, 3*l.* 9*s.*; another from John Hurst for 3*l.* 9*s.*, and another for 4*l.* 15*s.* for the North Ward, signed by William Mossman.

[The Witness withdrew.

HENRY COOKE, sworn; Examined by Mr. Waddy.

7622. Do you live at 37, Crowther-street, and were you a messenger for Forster and Miall at the election?—Yes.

7623. Were you stationed at their central committee-room?—Yes.

7624. There was, I believe, a telegraph room there, was there not?—Yes.

7625. And there was a room into which the reports were brought up?—Yes.

7626. Who were in the room to which the

reports were brought?—A great many of the gentlemen were in all day.

7627. Tell us the names of some of those that you saw come in and out during the day?—There was Mr. Kemp there, and Mr. Salt.

7628. Mr. Titus Salt?—Yes, junior; and Mr. Forster, Mr. Brown, Mr. Miall, Mr. Kemp, Mr. Kell, and a number of other gentleman; I really cannot say further.

7629. Who was in the telegraph room?—
z 2 There

M.
Duckworth
1 February
1869.

Mrs.
H. Hesse
—

H. Cooke
—

H. Cooke.
February
1869.

There were three clerks there working the telegraph.

7630. Did you see anybody there besides the gentlemen whose names you have mentioned?—There was a number of others; one clerk was checking off the returns.

7631. Did you see Mr. Dracup there?—I do not know him.

7632. Do you know Mr. Lockwood Stephenson?—No; he was not on the central committee.

7633. Did you see a book in use at the central committee-room, consisting of foils and counterfoils, on which contracts were written out?—Yes; part of the time I did; the engagement of the rooms.

7634. That is what I mean?—Yes.

7635. A contract was written on part of it, which was torn out, and a minute made on the piece that was left in the book?—No; it was the engagement of the room written in it, and nothing torn out.

7636. Were the messengers engaged in that way also—

7637. Mr. Serjeant *Ballantine*.] I understood him to say that the engagements were entered in a book?—Yes; it was not a printed book.

7638. Mr. *Waddy*.] Did you see a book that was partly printed, and out of which counterfoils were torn?—Yes.

7639. Was it used in connection with the hire of the committee-rooms?—Yes; when the room was engaged one of them was engaged to it, but a part of the rooms got it; not all of them; some of them neglected to come for them.

7640. And it was intended to give them?—Yes.

Mr. *Price* requested that the book might be produced.

Mr. Serjeant *Ballantine* stated that if the book was in existence it should be produced; that he had only received notice 10 minutes ago.

7641. Mr. *Waddy* (to the Witness).] Do you know Charles Lund?—Yes.

7642. And Benjamin Reed?—Yes.

7643. And James Cole?—Yes.

7644. Were they on the committee?—Yes.

7645. And Michael Mahoney?—Yes.

7646. And John Cooke?—Yes.

7647. Do you know the Messrs. Robertshaw?—Yes; Calvin and Luther.

7648. Were they on the committee?—Yes.

7649. Did they come in and out?—Yes.

7650. Do you know whether Messrs. Robertshaw had charge of the West Ward?—Luther had; no, Calvin, I think it was.

7651. Which was it?—I can tell them when I see them both together.

Mr. Serjeant *Ballantine* stated that he had no question to put to the witness.

[The Witness withdrew.

Mr. *Price* stated with regard to the Bill just referred to, and supposed to be missing, in addition to the signature of Mr. Irving, as chairman, he wished to prove the contents of the document itself; that he was told there were 95 refreshments on it at 6d. each, making 2*l.* 5*s.*

Mr. Serjeant *Ballantine* stated that he thought his learned friend was right.

SUSANNAH HASTE, sworn; Examined by Mr. *Waddy*.

S. Haste.

7652. ARE you the wife of John Haste, of 48, Duncan-street?—Yes.

7653. What is he?—A joiner.

7654. Was he a voter?—No, sir, they axed him who he meant to give his vote to.

7655. Who asked him?—Mr. Whitehead and Mahoney.

7656. When did they come to your husband's house; you say that Whitehead came with another?—Yes.

7657. How long before the election?—Two or three weeks.

7658. Where was your husband?—He sat on the bedside.

7659. How was that?—He was badly, and had been eight weeks.

7660. Tell us what passed; were you present?—Yes; Mr. Whitehead and Mr. Mahoney came in, and axed my husband how he was, and my husband said he was very poorly. Mr. Whitehead answered, and said, "I have heard so." "Yes," my husband said, "I have been very bad indeed;" and so Mr. Whitehead and Mr. Mahoney said, "Who does he intend to vote for?" and he said that he had not made up his mind to vote for either side; he was very poorly; and Mr. Whitehead said, "Well, you may give it to Mr. Forster and Mr. Miall;" and my husband said that he had not made his mind up, as he was very poorly; he was not in good circumstances to give his vote for neither side, and Mr. Whitehead went out, and he put

his hand in his pocket and said, "Give the bairns that penny;" when Mr. Whitehead was going down the steps—

7661. Did that mean your children?—Yes.

7662. What did he give you?—I did not ever look at it; but when Mr. Whitehead was going down he gave it me and said, "Give the bairns that penny." When Mr. Whitehead was going down the steps Mahoney said, "What has he given you?" and when I looked at it it was half-a-crown.

7663. What did you say?—I thanked him, and he bid us good night.

7664. Did you say that it was half-a-crown?—Yes, Mahoney saw it was so; but I did not see it when he put it into my hand.

7665. Did you say anything about the vote to Mr. Whitehead who you should give the vote for?—No; I cannot say that I did.

7666. Whom did your husband vote for?—He voted for Mr. Ripley.

7667. Is the man you called Mahoney sometimes called Martin?—I do not know; he generally goes by the name of Mahoney.

7668. Did you see Mahoney after your husband had voted?—Yes.

7669. Did he say anything to your husband about how he had voted after the election?—I cannot say.

7670. Did he say anything to you about your husband's vote?—I cannot say that he did.

7671. Did

7671. Did he use any threat?—No; I cannot say that he did.

7672. Was anything said?—Not in my presence; I cannot say any more; I came to state what I heard, and what took place.

7673. Was anything said to you; not to your husband, but to you, by Mahoney?—Mahoney never said nought to me in my presence.

7674. I mean after the election?—No.

7675. After the voting was over?—I never saw him till the other day.

7676. What did he say the other day?—He said that Mr. Whitehead had given us that for charity because my husband was poorly.

7677. Did he say nothing about a vote?—No; he never said nothing to me.

Cross-examined by Mr. Serjeant *Ballantine*.

S. Haste.

1 February 1869.

7678. How many bairns have you?—Three.

7679. Young ones?—Yes, one is very young.

7680. Mr. Baron *Martin*.] Was your husband very ill?—He was very poorly; he had been eight weeks very poorly at the time when they came.

7681. And out of work?—Yes.

7682. Mr. Serjeant *Ballantine*.] You were really almost in a starving state?—We were in very poor circumstances.

7683. I believe your husband voted for Mr. Ripley?—Yes.

Mr. Baron *Martin*.] She said so before.

[The Witness withdrew.

JOSHUA SPENCER, sworn; Examined by Mr. *Waddy*.

7684. I BELIEVE you are a Nail-maker, in Sun-street?—Yes.

7685. And a voter?—Yes.

7686. You are a voter?—Yes.

7687. Which way did you vote?—For Mr. Ripley.

7688. Do you know a person called Bennett?—Yes.

7689. Is he a public-house keeper?—I do not know his business; I am not aware that he is.

7690. Do you know whether before the municipal election he was taking any part in that or not?—Yes.

7691. Did you go to Bennett and ask to be employed as a canvasser in the municipal election?—Yes.

7692. In consequence of what was said to you, did you go to a place in Wellington-street?—Yes.

7693. Did you see Mr. Irving there?—Yes.

7694. Was a brother of yours with you, named Abraham?—Yes.

7695. And a man named William Jones?—Yes.

7696. Did you apply to Mr. Irving to be employed to work for Mr. Reid and Mr. Salt?—Yes.

7697. They were candidates at the municipal election for that ward, were they not?—Yes.

7698. What passed between you and Mr. Irving; what did he say to you before he engaged you?—He asked me if I would engage, on condition that I would vote for Mr. Forster and Miall, and I said, "No." I said, "If that is to be the condition, I am of no use to you, and I beg leave to retire;" and I left the house at once.

7699. You left your brother and Mr. Jones behind you, when you left the house, did you not?—Yes.

7700. In a short time afterwards, did they follow you up?—Yes.

7701. Did Mr. Irving come with you?—Yes.

7702. Did you go to the "Airedale Inn" together?—Yes; Mr. Irving asked us to follow him up to the "Airedale Inn."

7703. That was a Forster and Miall room, I believe.

7704. Did he tell you who you were to see

28.

when you got there?—He expected to see a person of the name of Simeon Laycock.

7705. When you got there, I believe that Simeon Laycock was not there?—No.

7706. Did Mr. Irving then order anything for you?—He ordered us a quart of beer.

7707. Did he give you anything besides?—He called me into the bar, and said that Simeon was not there; that we must see him again that night, when Simeon would be there, and he put a shilling into my hand.

7708. Who did that?—Mr. Irving.

7709. Did he tell you where you were to go to that night?—He told us that we were to meet at the "Airedale," and we were to go there.

7710. Did he say who was going to attend that meeting?—He said that Messrs. Reid and Salt were going to it.

7711. I believe that you went to the meeting that night, and after that you went to the "Oak Inn"? I went to a meeting at the "Plasterers' Arms;" I was not in time for the meeting at the "Airedale Inn;" and from the "Plasterers' Arms" I went to the "Oak Inn."

7712. When you got there, I believe some one was singing an election song?—After the municipal business was over, they were singing a song.

7713. Was the chorus of the song, "Ripley, go home"?—Yes.

7714. And you sang, "Miall, go home"?—Yes.

7715. When you were doing that, did Laycock come to you and say anything?—When the song was finished he sat in front of me, and he said, "I cannot engage you; I have been taking notice of you, and of the song."

Cross-examined by Mr. Serjeant *Ballantine*.

7716. What are you?—A nail-maker.

7717. When were you asked to come here?—I was subpoenaed.

7718. How long ago was that?—The week before last.

7719. When was it that you received notice to come here?—It was about the middle of the week previous to the municipal election.

[The Witness withdrew.

'ABRAHAM SPENCER, sworn; Examined by Mr. Price.

- A. Spencer.*
1 February 1869.
7720. Do you live at Clayton-street, and are you a Mason?—Yes.
7721. And a brother of the last witness, Joshua?—Yes.
7722. Were you with your brother at Dan Barton's shop, when Mr. Irving was there; before the municipal election?—Yes.
7723. Did you ask Mr. Irving anything?—No; I did not ask him anything.
7724. Was anything said about employing you?—My brother asked him.
7725. Were you asked?—No.
7726. You heard what passed between your brother and Mr. Irving; did you see Irving give him anything?—No.
7727. Did you see anything given to your brother by Irving?—No.
7728. Nothing at all?—No.
7729. Did you hear him ask anything about his vote?—Yes; I heard him ask for his vote for Forster and Miall, and he said, "No."
7730. Was he told what would be done for him if he did vote for them?—I do not know.
7731. Did you go afterwards, and what do you remember as to what passed?—He only said he asked him for a job, and Mr. Irving said he should give him a job if he would vote for Forster and Miall.
7732. What job?—Canvassing for Mr. Reid and Mr. Salt.
7733. Are you a voter?—Yes.
7734. Your brother went away, did he not, before you?—Yes.
7735. Did you say anything to Mr. Irving about getting a job?—He asked me who I would vote for; if I would vote for Forster and Miall, and I said I was not particular which I did before.
7736. What were you to do for them?—To vote.
7737. Tell us what else he said?—We walked out then; Mr. Irving went with us out, and told us to follow him up to the "Airedale."
7738. Did you get engaged at all?—Yes.
7739. Who engaged you?—Mr. Irving.
7740. When did he engage you?—He engaged me on the Saturday before the municipal election.
7741. What did he engage you as?—To deliver up the voting papers.
7742. For whom?—For Mr. Reid and Mr. Salt.
7743. For anything else?—No; that was all.
7744. Was anything said about your vote at the Borough election?—Yes; he asked me who I would vote for, and I said I did not know who I should vote for; I had not made up my mind altogether.
7745. What did you get a day for delivering the voting papers for Salt and Reid?—Six shillings.
7746. Did you get anything for expenses?—No.
7747. How long did you get the 6 s.?—Two days I think I was engaged.
7748. After the municipal election, did you go anywhere to a supper?—Yes.
7749. Where was that?—In the "North Tavern."
7750. You had a supper there?—Yes.
7751. What was it given in honour of?—For Salt and Reid.
7752. Was Mr. Irving present at that supper?—Yes.
7753. Were any speeches made?—No.
7754. None?—No.
7755. Was anything said about the Borough election?—They only said that they hoped they would be as lucky in the Borough election as they had been in the municipal election.
7756. Mr. Irving said that, did he?—Yes.
7757. Was there any cheering?—Yes; plenty of cheering and singing, and amusing themselves all the time.
7758. How many were there at supper?—I do not know exactly.
7759. Were there nearly 20 or 30?—Twenty perhaps.
7760. Did you pay anything?—No.
7761. Did you see anybody pay?—No.
- Mr. Serjeant Ballantine stated that he had no question to put to the Witness.
- [The Witness withdrew.]

JOHN MILTHORPE, sworn; Examined by Mr. Price.

- J. Milthorpe.*
7762. Do you live at Scotch-terrace, Woodhouse, near Leeds.
7763. Are you a voter for Bradford?—Yes.
7764. On the Sunday before the election, did anyone come over to you, to Leeds?—Yes.
7765. Who was it?—Joseph Horsfall.
7766. What did he say to you when you saw him?—I was seeing him at our house, and I asked him what his business was in Leeds; he said, "Well, you have a vote for the house you have left in Jowett-street."
7767. Was that a house that you had in Bradford, before you moved to Leeds?—Yes. He said, "Who are you in favour of?" and I said, "I do not think I shall bother by going; I do not think I shall be playing on Tuesday; but," I said, "it will be a bit of an out if I go;" I said, "If I am not playing you have no occasion to expect me;" he said, "If you will come, there will be your railway expenses," and I said, "You must depend upon me when you see me."
7768. Did you go?—Yes.
7769. Did you get anything for going?—I got 2s. 6d., after I voted, from Mr. Joseph Horsfall.
7770. Did you go anywhere with him to get anything besides the 2s. 6d.?—He asked me if I would have anything to eat, and I said "I was not hungry." He said, "You can come and have a little bit to eat with me, if you please," and he took me into the "Slingsby Arms," in Jowett-street, and we had one little bit out of a leg of mutton, but it was done then; there was a pie baking in the oven, and we got a little bit of that, meat and potatoes.
7771. Did

7771. Did you pay anything for that?—No.

7772. Did you get anything besides the 2s. 6d.?—No, I did not.

7773. You got no other money?—No, only the 2s. 6d.

7774. Mr. Baron *Martin*.] What was your railway fare?—Two shillings, third class; the second class is 2s. 6d.

7775. Which did you pay?—I paid 2s.

7776. You came third class?—Yes.

7777. Mr. *Price*.] When Mr. Horsfall asked you about your vote, did he say what he was doing with regard to Mr. Foster and Miall.

Mr. Serjeant *Ballantine* objected to the question.

Mr. Baron *Martin*.] When was this said to you?

Mr. *Price*.] It was on the same day, my Lord.

Mr. Baron *Martin*.] On the day he had voted, or on the Sunday?

Mr. *Price*.] On the Sunday.

7778. Mr. Baron *Martin* (to the *Witness*).] Tell us what he said on the Sunday, as to who he was canvassing for?—He asked me who I was in favour of, and I said, "I am in favour of Mr. Forster and Mr. Miall"; and he said, "Those are the men I am canvassing for."

7779. Mr. *Price*.] Do you know where Joseph Horsfall lives?—He lives in Jowett-street, a door below where I occupied before.

7780. Mr. Baron *Martin*.] He had been a neighbour of yours?—Yes.

7781. Mr. *Price*.] What is he?—I believe he is a warp dresser.

7782. Do you know where he works?—No.

7783. Did he go with you to vote?—Yes, he did.

7784. What was your number in Jowett-street, when you lived in Bradford?—No. 48.

Mr. Serjeant *Ballantine* stated that he had no question to put to the *Witness*.

[The *Witness* withdrew.

DOROTHY DINLEY, sworn; Examined by Mr. *Waddy*.

7785. Do you live at Upper Green, in this borough?—Yes.

7786. Do you know Isaac Hanson, a voter?—Yes.

7787. Did you go to his house on the polling day?—Yes.

7788. Was Jane Scholefield lodging in the same house with her daughter?—Yes.

7789. When you got there, was Isaac Hanson in bed?—Yes.

7790. What time in the day was that?—As near as I can say, about a quarter to seven in the morning.

7791. Did you tell Isaac Hanson to get up?—Yes; I asked him to get up and go and plump for Mr. Ripley.

7792. What did he say to that?—He said, "Not yet; I think it is rather too soon."

7793. Go on; what else did he say?—He said, "I shall have to be sold up to day." I said, "I hope not." I said, "I hope the neighbours will never see it; I never like to see any one distressed."

7794. What was he going to sell; what for?—He had no money to pay his rent; the landlord had been twice, and he had to lock the door and keep out of the house, because he had not got the rent.

7795. After this, did you go and come back again?—I went into my own house, and came back again.

7796. Was James Hanson there when you came back?—Isaac was; he was still in bed.

7797. Did you see a man of the name of James Hanson there?—No, I did not.

7798. Did you see two men there who were canvassers?—I went back to my own house.

7799. Just tell me what occurred?—I went back to my house. I came again, and there was no one there. When I went home, Mrs. Schelefield opened the door, and I went back to my house. I came again, and then there was John Hanson at the door; the other two or three I cannot tell who they were. Besides John Hanson I never took particular notice; as to Han-

28.

son, I tapped him on the back; he was a Miall man, and I said, "Just you go with him."

7800. Is John Hanson any relative of Isaac Hanson?—Yes; Isaac Hanson is John Hanson's uncle. I went to my own house then, and some one said, "Are you not going to come on; see how they are carrying on." I went on, and many of us went on. Isaac Hanson said that he had not had anything to eat for two or three days, and I gave him a bit of bread and meat. I do not dispute but that he had not had any.

7801. Go on?—I had given him something to eat before that day.

7802. Did you afterwards see him with any money?—He had something in his hand; it was in the afternoon; he came in, and he had some money in his hand. I cannot say what number it was. He said, "I have got this for my vote." Old Ikey said he had got 2*l*. for his vote.

Mr. Serjeant *Ballantine* stated that he had no question to put to the *Witness*.

[The *Witness* withdrew.

Mr. *Price* stated that this was his case.

Mr. Serjeant *Ballantine* was heard to address the Court on behalf of the respondent.

Mr. *Price* stated that he wished now to hand in a plan which had been taken from the borough map (and the correctness of which he could prove), to show where the West Ward was, and that the red dots indicated the public-houses of Forster and Miall.

Mr. Serjeant *Ballantine* stated that he was quite willing to admit it.—(*The same was handed in.*)

Mr. *Price* stated that this was his case.

Mr. Serjeant *Ballantine* was heard to address the Court on behalf of Mr. Forster.

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Mr.

J.
Milnthorpe.
1 February
1869.

D. Dinley.

Mr. JOHN HENRY WADE, sworn; Examined by Mr. Serjeant *Sargood*.

Mr. J. H. Wade. 7803. You are a member of the firm of Rawson, George, and Wade?—I am.
 1 February 1869. 7804. Which is a very old-established firm of solicitors in this town?—Yes.

7805. You have been, I believe, for many years election agents both for the borough of Bradford and the part of the county in which it is situated?—We have.

7806. Were you and Mr. George appointed agents for Mr. Forster and Mr. Miall at the last election?—We were.

7807. I believe you personally attended to it?—Entirely; Mr. George did scarcely anything.

7808. I presume, from what we have heard, that the contest was a very closely contested one?—Very much so.

7809. Unusually so, was it not?—Very much so; a very large number indeed of votes were polled.

7810. How long did it last; how many weeks was it going on?—It lasted from the 3rd August to the 17th November.

7811. For about 15 weeks?—Yes.

7812. Can you give me the date at which the coalition between Mr. Forster and Mr. Miall took place?—It was on the 1st August.

7813. Do you know anything of your own knowledge, as a townsman, as to the solicitation to Mr. Miall to take part in the contest?—A requisition was presented to him on the 1st August, which was said to contain 7,500 signatures.

7814. I believe that a great many people had been engaged in canvassing for that requisition?—I believe about 700.

7815. The coalition having been decided upon, what was done with a view to the formation of a general committee?—A meeting was held of gentlemen who took a prominent part in politics on the Liberal side. That meeting was held on the 3rd August, and a resolution was passed that they should form themselves into a committee for promoting the return of those gentlemen. Also that subscriptions should be entered into for the purpose of defraying the expenses of the contest. They then adjourned to the next day for the purpose of then appointing an executive committee.

7816. I believe that the chairman of that general committee was Mr. Titus Salt; was he not?—He was chairman of the general committee, the senior Mr. Salt.

7817. Was the business practically entrusted to what was called the executive committee, which divided itself into various branches?—Yes, it was, and the general committee never met again.

7818. And you had the whole management of the matter under your own personal eye from the beginning to the end of the contest?—I had.

7819. Had you, during its progress, any reason to believe that there was any bribery or treating going on in any of the Wards, so far as you personally knew?—

Mr. Price stated that he had not, in his opening, charged Mr. Wade with personal bribery, nor had he said that Mr. Forster had been in any way personally implicated in any way whatever.

Witness. I had no reason to believe it, nor to

suspect it for one moment, and I know nothing of anything that was illegal. Our daily efforts were directed to promote a pure election, and daily reports were brought to us from the other side as to what was being done.

7820. Mr. Baron *Martin*.] I understand you to say that your endeavour was that it should be a pure election?—Entirely so, my Lord.

7821. Mr. Serjeant *Sargood*.] I suppose that, practically, the distribution of the committees was that there was an executive committee?—Yes.

7822. And a finance committee?—Yes.

7823. And a committee for arranging the public meetings?—Yes.

7824. And a committee to take charge of the printing, stationery, and so forth?—Yes, but not so much in the Central Ward; the Central Ward committee was intended to—

7825. I believe you had a canvassing committee?—Certainly; there was a canvass committee.

7826. Was the seventh committee that you had, a general purposes committee?—Yes.

7827. Were they practically, in the aggregate, the committees which had the work to do?—Yes.

7828. I believe that the general committee were really never called together?—No.

7829. I believe that you at a very early period had some instructions sent out to all the committees?—Yes, we had.

7830. I believe you have a copy of those instructions on a piece of paper?—Yes (*the same was handed in*).

7831. No. 1 is a direction, I believe, as to Mr. Forster and Mr. Miall's committee-rooms; that if engaged at a beer-house it was desirable that the room should be engaged for a fixed sum, and that no other expenditure should be required or expected in the house?—Yes, that was the first one.

7832. The 4th was, "To employ volunteer canvassers whenever it was practicable, and no paid canvassers were to be employed without the sanction of the Central Ward committee; and they were to keep a list of the persons to whom canvass books were entrusted"?—Yes.

7833. No. 6 was this: "You will specially note the extracts from the statutes as to bribery and treating, and undue influence, and election expenses, which are provided for your information"?—Yes.

7834. "You must have one or more of the sheets containing those extracts always publicly exhibited in the several committee-rooms;" and I believe you had those printed and circulated for that purpose?—That was so.

7835. Then as to the 7th, you stated the law to be that there were to be "no hired carriages" to convey the voters to the poll?—Yes.

7836. And the 10th was that "Neither the candidates nor the central committee will be responsible for any expenditure incurred for any purpose without the consent of the central committee"?—Yes, in every case they were printed, and signed by one of the election agents himself.

7837. As a voucher?—Just so.

7838. Then No. 12 was—

Mr.

Mr. *Price* stated that he was willing to admit all this, and that his Lordship should have a copy handed to him.

Mr. Serjeant *Sargood* stated that he would select a few that he wished his Lordship to hear.

7839. Then No. 12 was, "In case of any doubt or difficulty they were to consult the Central Ward"?—Yes.

7840. They were 16 in number?—Yes.

7841. As the election advanced did you send further printed instructions, marked B, which were 15 in number?—Yes.

7842. I will just refer to two of them. No. 6 is in these terms, "You will remember that no person who, within six months before the election, has been employed for reward as an agent, or canvasser or clerk, or messenger, or in any other like employ, can vote"?—Yes.

7843. Then in No. 11 you reiterate that "no money can be paid for the conveyance of voters to the poll, and there will be no hired carriages for that purpose"?—Yes, that is so.

7844. I believe that your arrangements for obtaining information as to the returns on the polling day were necessarily rather elaborate?—They were very elaborate indeed.

7845. How many districts were there in which voting went on?—There were 45 polling booths.

7846. Will you just explain first what was required to be done on the polling day, in regard to getting your information to and from the committees, and the polling booths?—The election was conducted on the principle of each ward being a separate election, so that we had eight separate elections being carried on at the same time, one for each ward, and there was a perfect organisation in each ward for the purpose of receiving, transmitting and dealing with the returns as they were received every half hour from the polling booths. As the returns were received, duplicates of them were sent to the central committee, and they were divided accordingly to an artificial arrangement that had been devised with great care, so that in every district they knew within a few moments after the return had come in, who were the voters in that district who had polled, and that necessitated the employment of an immense number of clerks; and as these matters were worked with extreme efficiency, the consequence was that we were generally half an hour in advance of the other side in regard to our returns.

Mr. *Price* stated that he was quite willing to admit all this.

Mr. Serjeant *Ballantine* stated that he was obliged to his learned friend, but that he was desirous of proving it.

7847. Mr. Serjeant *Sargood* (to the Witness).] Go on, if you please?—Besides those we had a system of telegraph wires which had been laid down throughout the borough to some extent, to save the employment of messengers; that was the first time the experiment had been tried, and as we dare not trust to them we had in addition to the ordinary staff, a staff of telegraph clerks at each end, lest the telegraph should break down.

7848. Did you issue to the ward committees, in reference to the polling day, special instructions in addition to the two papers that have already been put in?—Yes.

7849. It is a very long letter, but it refers to 28.

three subjects, the last of which is "Refreshments on the nomination day"?—Yes.

7850. I will read that part of it only; the instructions run thus: "The law absolutely prohibits the giving of refreshments to voters either before or after polling, and a breach of this law may not only be productive of penal consequences to the parties immediately concerned that might invalidate the election; this, however, does not prevent necessary refreshment being provided for clerks and messengers, or even for committee men or canvassers, although voters, while engaged on the actual work of the election, provided such refreshments be given to them simply to sustain their energies while at work, and without any reference to their voting. The central committee request that you will take into your consideration the best mode of acting in this matter, so as to meet the necessity of the case, and hope you will see that, on the one hand, a sufficient supply of good suitable refreshments is provided for the actual workers in your ward, and on the other that no opportunity is given for breaking the law by giving refreshment to voters, either to get them to poll, or to reward them for having polled.

"At the request of the agents of all the candidates, the Town Clerk is issuing some statements as to the laws in force to prevent bribery, treating, intimidation, personation, &c., and of these a sufficient number will be sent to you to supply every committee-room in your ward. Please do all you can to get them properly exhibited and rigidly enforced.

"Messrs. Forster and Miall's central committee look forward with very great confidence to the triumphant return of their candidates, and they are the more anxious on that account that the election shall be so conducted as not to leave a single loophole for their opponents to challenge the result." So far as you were able to judge, did you believe that that was a proper statement of the existing state of the law, you being the agent?—I did.

7851. Whether it was right or wrong, that was your personal view of the matter?—Yes, it was.

7852. And these instructions were given on your authority?—Yes, they were.

7853. Were there any carriages employed?—None whatever.

Mr. *Price* stated that he should like to have a copy of the instructions.

The Witness.] This was a private letter that was sent to the chairman of each ward.

7854. Mr. Serjeant *Sargood*.] I believe there was a very large contribution of private conveyances by various gentlemen?—Yes.

7855. Mr. *Price*.] Do you know this of your own knowledge?—Yes, I do.

Mr. *Price* stated that he had just been informed that an arrangement of the kind referred to by the Witness had been made, and that it was faithfully carried out on both sides, and therefore he should say no more.

7856. Mr. Serjeant *Sargood* (to the Witness).] That was so, was it not?—Yes, it was.

7857. I believe that the question of providing refreshments really was a subject that occupied a good deal of anxious attention on your own part

Mr.
J. H. Ward
1 February
1869.

Mr.
H. Wade.
—
February
1869.

part, and that of many gentlemen of the committee?—The first question that we considered about refreshments was how to provide for those who would be necessarily shut up in the polling-booths from half-past seven in the morning till after four o'clock in the afternoon; there were something like 150 of them; we had three in each booth, and also some extra ones.

7858. Mr. Baron *Martin*.] I suppose you would call them poll-clerks?—Poll agents and check clerks.

7859. Mr. Serjeant *Sargood*.] I suppose that poll-clerks are those who are officially employed in taking the votes?—Yes; I may say in regard to that that I mentioned the matter in the presence of Mr. Little, the solicitor for Mr. Ripley, and to the town clerk, who was acting in carrying out the directions of the returning officer. We ascertained that he was going to provide refreshments for the officials in the booths, those he employed there; and he very kindly expressed his willingness to provide refreshments for our clerks, and others who were employed in the booths, and proposed afterwards to apportion the expense between us, and he did so.

7860. I believe, as a fact, whether they got food or not, it was utterly impossible for them to leave the work they were engaged, except for a minute at a time?—Yes, it was utterly impossible; there were 500 voters at each booth, and several to a minute.

7861. In the 45 booths, besides the number of persons that were engaged in them, there were in addition, I believe, a great many other persons who were occupied by you on the day of the election; what were they doing?—In every ward there was an office opened to which the returns were sent, and those returns had to be dissected, and sent to a number of sub-committees, and in order that this might be done expeditiously there was a row of clerks engaged, ten or a dozen clerks in each room, who passed the paper from one to the other, and each of them dissected it, and took from it that which related to every particular division. Then these returns were made up, and were sent to the sub-districts in order to tell who had voted, and that they might know whom to fetch to the poll. There was a very great deal of work to do in connection with the duplicates; there was something like 100 persons on the register who had a qualification in other districts, and that circumstance made this a more difficult election to conduct than if there had been eight different elections, and the duplicate voters had to be, as fast as they could be, transmitted to other districts, so that precautions might be taken that they did not vote a second time.

7862. You required, in consequence of that, a larger number of messengers and runners?—Yes, we required an enormous number.

7863. As well as the clerks who were occupied in manipulating the papers as they were brought in?—Yes.

7864. How many do you suppose were so employed?—My calculation was this, but first I may say that at the request of some of the principal inhabitants, the Mayor had arranged that it should be a general holiday, and we had a considerable number of volunteer workers; we had an abundance of workers, and I think that little short of 2,000 were employed on the polling day.

7865. I believe that the bulk of them were volunteers?—Yes, they were.

7866. I believe I may say that your canvassers before the election were all volunteers?—Yes, I believe so, without exception, as far as I know.

7867. Mr. Baron *Martin*.] The canvassers were all volunteers, were they?—Yes.

7868. Mr. Serjeant *Sargood*.] With regard to the arrangement for the refreshments, actually in the polling-booths, for the polling-clerks, I believe you and Mr. Little conferred together?—I have already described that that was arranged with the returning officer, and we afterwards repaid him what he had expended.

7869. Having to provide for all those people, I think in the south ward you made some arrangements about tickets?—Yes. The chairman of the south ward committee spoke to me about the difficulty of providing refreshments for the people there, and he stated that he thought it was desirable there should be some check upon the persons getting refreshments, and also upon the people who provided them, and he asked me if I thought there was any objection to having some tickets printed, to be used there. I gave some consideration to the matter, and I afterwards sanctioned the use of the tickets.

7870. Were the tickets used elsewhere than in the south ward, as far as you can remember?—Some were provided for one of the other wards, but they were not used.

7871. I suppose I may take it from you that whatever number of tickets were used, they did not necessarily represent one person to each ticket?—Certainly not; I believe that five or six tickets were issued for each one.

7872. The tickets rather indicated the thing that was supplied, than the person to whom it was supplied?—Yes.

Mr. *Price*.] Each ticket is made out in a particular man's name.

Mr. Serjeant *Ballantine*.] No, the same name is on four or five of them.

7873. Mr. Serjeant *Sargood* (to the *Witness*).] In what manner were these tickets distributed?—That I cannot tell you from personal knowledge.

7874. To whom were they delivered for the purpose of distribution?—To the chairman of the ward.

7875. Mr. Boothroyd, I believe, was chairman of the South Ward?—Yes.

7876. I may ask you this, what was the object of using tickets at all in that ward?—I have already stated that it was for two purposes; one of those purposes was in order that no person might get refreshments but those who might be working and deserving them; and the next was, that they might be a check on the innkeepers, so that they might not charge us for more than had been supplied; those were the only reasons.

7877. Can you tell me whether the tickets that had been used for this purpose were invariably filled in with the name of the party who was entitled to use them?—Yes, invariably for those who were employed.

7878. As I understand you, it was your *bonâ fide* endeavour to restrict the expenditure to legal expenditure?—Yes.

7879. And, as far as you know, that was carried out?—Yes.

7880. The account of the election expenses is what

what you have sent in, as one of the authorised agents?—Yes.

7881. So far as you know, do you believe that that is an honest return of all the expenditure?—Certainly.

7882. Is there any present claim that is kept back, or behind, in any way; I ask you that unreservedly?—I am not aware of any.

7883. Do you believe that there are any such claims?—I do not.

7884. The aggregate expense we have got down at the sum of 3,397*l.* and a few shillings, and with regard to that, I believe that a good deal of it was defrayed by public subscriptions?—Yes, a very large proportion.

7885. How much did Mr. Miall pay in figures?—£.500.

7886. How much did Mr. Forster pay towards the expenses?—He gave me two cheques for 500*l.* each, and I returned him 200*l.*

7887. Then he practically paid 800*l.*?—That was all that he had paid; that is all that has been paid through me.

7888. Is that all that you believe he will ever be called upon to pay?—It is.

7889. Do you know the number of the voters on the register?—Nominally, it is upwards of 21,000.

7890. Do you know how many of those polled?—Upwards of 18,000. I can give you our own calculation, taking off the double entries, and so on. Nominally, on the register, there are 21,518, and our calculation was that, if every man had polled, the number would have been a little short of 20,000. But we calculated that at least 5 per cent. would be ill or away, or unable to vote. We thought that 19,000 was the extreme number that, by any possibility, could vote.

7891. Can you tell me, of your own knowledge or calculation, the number who actually voted?—I believe it was 18,200 who actually polled.

7892. Mr. Baron *Martin*.] That would be the extreme number of voters who would actually go to the poll?—Who actually did poll, my Lord.

7893. Mr. Serjeant *Sargood*.] Can you tell me this, as to the coalition, was Mr. Miall invited to join Mr. Forster, or was Mr. Forster invited to join Mr. Miall?—Mr. Forster was invited to join Mr. Miall.

7894. Was there any doubt about Mr. Forster's election, so far as you know, from the first?—None, in my mind. He had been twice returned without a contest, and there were only three candidates for the constituency. I never doubted for a moment that he was perfectly safe.

7895. After the election was over, what was the first information you had as regarded any petition against anybody?—I was spoken to by a number of persons, as to a petition against Mr. Ripley, but I came to the conclusion that I would not act in the matter of that petition.

7896. Having so decided, was your decision made known, and did you mention it?—I think it was pretty generally known, for in fact it was referred to in the papers.

7897. After that, had you a communication with Mr. Little on the subject?—Yes, Mr. Little called on me.

7898. Have the goodness to tell us what he said about the petition?

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Mr. *Price* stated that, as a matter of evidence, he must protest against any question being put as to what Mr. Little said.

7899. Mr. Baron *Martin* (to the *Witness*).] Has Mr. Little anything to do with this petition?—Yes, my Lord, he presented the petition.

Mr. *Price* stated that he would withdraw what he had said, for he had made a mistake.

7900. Mr. Serjeant *Sargood* (to the *Witness*).] What did Mr. Little say?—Mr. Little stated that he had heard a rumour that there would be a petition against Mr. Ripley, and he said that if there was a petition, there should be a petition against Mr. Forster.

Mr. *Price* stated that he must still object to what Mr. Little had said.

Mr. Baron *Martin*.] I must be guided by what the witness swears.

The *Witness*.] The solicitors were Baxter, Rose, and Norton.

Mr. *Price* stated that, at the present moment it appeared to him that what Mr. Little may have said or done was not matter for his Lordship.

7901. Mr. Baron *Martin*.] You have said that Mr. Little presented that petition; how do you know that he did?—Mr. Little told me that he was going to present a petition, and he afterwards admitted that he had done so; he said that he was not going to continue it, but to hand it to Mr. Mumford. Mr. Little said, that if there was a petition against Mr. Ripley, there should be one against Mr. Forster. I told him that I should not act in the matter, and he said, "I cannot help that."

7902. Mr. Serjeant *Sargood*.] At any rate you had nothing to do with it, and we all know that there was a petition against Mr. Ripley?—Yes, there was.

7903. And now there is another against Mr. Forster?—Yes.

7904. Can you tell me which was the first and which was the second, from your own observation?

Mr. *Price* stated that he would admit that the petition against Mr. Ripley was the first.

Cross-examined by Mr. *Price*.

7905. You understand electioneering, I think, as well as any man in Bradford?—I think I do.

7906. Has Mr. Forster ever stood a contest?—No; he was twice returned without a contest. I should say three times without a contest.

7907. The last was, of course, a matter of form?—The last was when Mr. Forster accepted office under the Government.

7908. It was on the 3rd August, you say, that what you call the borough election began?—Yes.

7909. Had there been in this town an Electoral Liberal Association at work for some time before the election?—Yes.

7910. That you know?—Yes.

7911. Whose object had been to bring forward

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Mr. *H. Wade.* a second candidate with Mr. Forster?—That was something; they took it up, but the association was in existence for other purposes; to attend to the registers, and so on.

February 1869. 7912. The purpose that they did take up, they took up pretty sharply, and it was to return another candidate with Mr. Forster?—Yes.

7913. Did they hold meetings from time to time and canvass?—I never was at any of their meetings, but I have no doubt they did.

7914. You did not belong to the Association?—I did not.

7915. A requisition you say was got up, and a very large one?—Yes; I believe it had 7,500 signatures.

7916. And 700 persons were employed to get up that?—Yes; so I believe.

7917. Were any of the members of the Electoral Liberal Association active members of Mr. Forster and Miall's committee?—Yes.

7918. And a leading member may, I take it, was Mr. Titus Salt, junior?—Yes.

7919. I may take it that he was about as enthusiastic a supporter of Mr. Forster and Mr. Miall as anyone?—I will not say that quite.

7920. But he was a very enthusiastic supporter?—Yes.

7921. And Mr. Angus Holden?—Yes.

7922. And Mr. Kell?—Yes.

7923. Did all those gentlemen contribute to the subscription that you spoke of?—I have no doubt they did, but I will look; I have the list here.

7924. They are all very rich men, are they not?—Yes.

7925. Did Mr. Illingworth subscribe?—I have no doubt he did.

7926. He is a very rich man, is he not?—Yes.

7927. There was a very large expenditure at the municipal election, was there not?—That I do not know, but I believe there was.

7928. The largest ever known?—I should think so, in some of the wards.

7929. Particularly were Mr. Salt and Mr. Reed were the candidates?—Yes.

7930. Was beer flowing?—I do not know; I never saw it.

7931. Where Mr. Angus Holden was a candidate?—I should think not there; I was a Burgess of that ward, and I voted for them, and I saw no beer.

7932. Was there a good deal of money spent there?—I think not a great deal.

7933. Was it not generally known that the municipal election on the last occasion had cost a great deal more money than on any other that they ever had?—To take the whole borough, I do not know that it did, but in certain wards, or in one ward, I should say that it did.

7934. We have had a great deal of discussion about the East, the West, and the South Wards?—Yes.

7935. In those wards is it not notorious that the expenditure for municipal purposes was larger than ever was known?—No.

7936. In which was it so?—In the East Ward, I believe it was.

7937. Mr. Salt and Mr. Reed were the candidates there?—On one side they were.

7938. I understood you to say that a fixed sum was always put down for rooms?—Yes.

7939. Were not those 700 persons who got up the requisition entertained at what they call a

knife and fork tea at St. George's Hall?—I was not at any such meeting, but I think I have some recollection of their being there.

7940. Do you know who paid for that?—No; I do not.

7941. Is it paid for at this time?—I have not the slightest idea.

7942. The requisition to Mr. Miall, I suppose, was very much like a canvass of the town?—Very much so.

7943. You have said that instructions were issued, and that a fixed sum was to be paid for the rooms; was that done in all cases?—I do not know as to that; I only can say that our instructions were, that were it was possible to do it, it was to be done; and my impression is, that in a very great majority of cases it was done.

7944. Were they entered in a book?—Yes, I believe so.

7945. Who has that book?—Mr. Kemp will have it; he attended to the engagements for the rooms.

5946. Then there would appear, in most of the instances, the sum to be charged for the rooms?—Yes; I should think so; I do not know that I ever saw the book; Mr. Kemp kept it.

7947. You spoke about your arrangements on the polling day being elaborate, I take it for granted that they were also elaborate if the election was to be well done on the other side?—I do not think that their arrangements were so good as ours, but that may be my own vanity.

7948. The telegrams were a great expense, were they not?—No; I do not say that.

7949. How much did you pay for them?—Nothing at all.

7950. Is there no item down for them?—Not the least.

7951. Did you lay down the telegraph wires?—No; there were some telegraph agents, who wished an experiment to be tried, and they said that they would do it for nothing; all the expense that we were at was to refresh the clerks only.

7952. What is the meaning then of "telegrams and telegram expenses, 10*l.* 6*s.*"?—If you will look at the details you will see.

7953. Where are the details of the telegrams?—At page 45 of our sheets; those were telegrams that were used early in the election for other purposes.

7954. On the 14th there is "for telegraph wires?"—I was not aware that that was charged; how much is it?—Four shillings and twopence.

7955. Never mind that; you stated that it had been done for nothing?—It was so by the telegraph wires.

7956. Then there is for men watching, 1*l.* 10*s.*"?—Yes, we were afraid that would be broken.

7957. Then "United Kingdom telegrams on the polling day 1*l.* 1*s.*"?—That was for telegrams to other places; we were asked to telegraph to Brookes's club.

7958. Why to Brookes's club?—To send them the state of the poll from time to time; they asked us to do it; they wished to know it, and we agreed to let them know.

7959. Mr. Serjeant *Ballantine.*] Did you telegraph to the Reform Club also; I think we did.

7960. Mr. *Price.*] Just tell me this; there is a sum of 3,997*l.*, which is given as your expenditure; when do you first date the commencement of that?—From the coalition, on the 1st of August.

7961. How much do you make out was spent between

between the 1st of August, when the coalition took place, and the polling day?—That amount.

7962. Mr. Baron *Martin*.] Do you mean altogether?—I cannot tell you that.

7963. Mr. *Price*.] But I should like to know?—It is impossible to tell you that; It would be a week's work to make that out.

7964. I must have the order book, if you please.

Mr. Baron *Martin* (to Mr. Serjeant *Sargood*).] You must give Mr. *Price* the order-book.

Mr. Serjeant *Sargood* (to Mr. *Price*).] If you mean the contract for the rooms you shall have it.

7965. Mr. *Price*.] I understand from you that further instructions were issued as the thing went on?—Yes.

7966. And that amongst other things you gave what I believe was a very accurate description of the law?—Yes.

Mr. Baron *Martin*.] I do not wish to interfere, and I suppose my brother Ballantine does not mean to do so, but when a book is produced on the other side it ought not to be handed to the attorney but to the counsel.

7967. Mr. *Price*.] I understand you to have issued that in which you gave your deliberate opinion that the law prohibits giving refreshments to voters?—It does.

7968. Either before or after the polling?—Yes, to voters as such; I make a distinction.

7969. Then there may be, I suppose, a voter who is not "such"?—Yes.

7970. That is to say, you thought that if a voter had voted, he was not to receive any refreshment as a voter, but to receive it as a different person?—I do not mean that; I mean this, that persons actually working on the polling-day were entitled to receive what would sustain their energies while at work, so that they need not go home and break their time to get their meals. It was to be confined to such as were necessary for that purpose.

7971. Mr. Baron *Martin*.] You say that your idea was that the prohibition in the 4th Section of the Act of Parliament related to the giving of meat and drink for the purpose of influencing the free mind of the voter?—Yes, that was it, and I read the words as meaning that to be the immediate cause of giving it.

7972. That is to say, meaning something direct?—Yes; otherwise the refreshment I spoke of as given through the means of the returning officer would have been illegal with the others, because many of the persons who received it were voters.

7973. Mr. *Price*.] Was this opinion of yours with reference to the 4th Section or the 23rd Section as an absolute prohibition?—The 23rd Section is not an absolute prohibition of refreshment to voters.

7974. Had your opinion reference to the 4th Section or to the 23rd Section?—To both.

7975. Your idea was that they might have reasonable refreshments?—No, I should not say that; my impression was this—

7976. To sustain their energies in the performance of their duties?—I thought the distinction was this, when it was necessary for the course of

the election, and in order to the progress of the work of the election, irrespectively of the person's mind who received it, that refreshment should be given to him, it might be so given to him not to reward him for his vote, but merely to prevent him from breaking his time by going home.

7977. And not to meet such a case as when a man said he could not vote on an empty belly?—No.

7978. That would be influencing a person to vote?—Yes.

7979. If that were so, will you be good enough to tell me why these tickets were not given to each Ward?—Because the South Ward only asked for them; we let each Ward work out their own machinery, and in the South Ward they said that they thought this would be a convenient way of doing it; I said, "Very well, I see no harm in it." The West Ward made the same suggestion, and they had some tickets printed, but we came to the conclusion that possibly they might be abused or misconstrued, and we did not use them.

7980. I see that these were all deliberately filled up with person's names?—Yes.

7981. And each person had a ticket?—Yes; each person who got them do you mean?

7982. I mean that each person had a ticket who asked for it?—What do you mean by "person"?

7983. If you will look at them you will see that they are supplied to persons in different names, that that was the course of business?—Yes.

7984. We have heard that a great number of men had breakfasts; where are the breakfast tickets?—I believe that the breakfasts consisted—

7985. Never mind that; where are the breakfast tickets?—There are not any; but the breakfast consisted of a couple of sandwiches and a glass of beer; there were no breakfasts.

7986. But they did get breakfasts, did they not?—No.

7987. Then these do not represent the breakfast tickets?—I believe they do in the South Ward.

7988. Were they to have breakfast and a lunch?—That was a matter of detail for the committee; my instructions were that they should have sufficient refreshments to sustain them for their work, but as to the detail of it is impossible for me to speak.

7989. In going to the poll, do you mean?—No, in taking other voters to the poll. This was to the workers, to those who were working for us.

7990. You entrusted of course to the discretion of the chairmen of the Wards as to whether they gave these tickets; did you have committeemen on the committees that were voters, and a great number?—Yes, no doubt.

7991. You trusted to the discretion of the Chairman and the conscience of the voter, whether he got up another man, or merely went himself to the poll?—I do not understand you.

7992. Did you trust entirely to the discretion of the chairman as to whether the tickets were actually given to the voters who brought up other voters, and worked for you, or were they given to men who merely went up to the poll?—

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Mr.
J. H. Wade.
1 February
1869.

Mr. J. H. Wade. The discretion that I entrusted to them is embodied in this letter, and nothing else.

1 February 1869. 7993. Do you mean that they were to exercise a discretion as to whether the men were really working, or whether they walked up to the poll and voted?—I did not intend that any one who walked up to the poll should have it. There were only eight copies of this letter made, and they were sent to the eight gentlemen who were the chairmen of the wards, and who were thoroughly entrusted with the matter.

7994. You trusted to their discretion that they would see that the tickets were not given except to persons who actually worked for you?—I did.

7995. There were no paid canvassers?—No, I am not aware of any.

7996. You paid none?—I am not aware of it; but I must say as to that, that I have not paid every 5s. that has been paid; Mr. Kemp has paid them.

7997. You stated that there were no paid canvassers whatever, and I believe my Lord took it down?—Yes; and that is what I believe.

7998. Do you mean to stick to that?—It is my belief.

7999. If there were ninety-two canvassers at one public-house put down as paid, that is entirely unknown to you?—It is, and I not believe that it exists.

8000. Now about the poll clerks; do you say that after the arrangement which was made for the poll clerks to receive refreshments at the expense of the several candidates, and after that arrangement had been made with the town clerk, there was any necessity to give the poll clerks refreshments?—We are speaking of two different classes; the town clerk was to provide for those who were at work in the polling booth.

8001. Were these not what are called poll clerks?—Yes; but I call the others poll clerks.

8002. Are not what are called poll clerks men who are employed in the polling booths?—I think that is a more correct interpretation.

8003. Is there any other interpretation?—I think there is; I think that a clerk in a committee-room who receives the result of the poll is not very incorrectly called a poll clerk.

8004. How much did the public subscription amount to altogether?—There is a list of them, and perhaps Mr. Kemp will find them.

8005. Give it me in round numbers?—I do not know, except that Mr. Miall paid 500*l.*, Mr. Forster 800*l.* and the rest was raised by subscription; I did not collect any subscriptions.

8006. Were both the Mr. Robertshaw's very active?—Yes, they were active.

8007. There was a sum of about 2,159*l.* subscribed, I see?—Yes.

8008. There are two Mr. Robertshaw's, are there not, who are very much alike?—Yes.

8009. Do you know one from another?—Not always.

8010. There are also, I believe, two Mr. Illingworth's, who are very much like each other?—I do not think so; but they are both in court.

8011. Are they like each other?—No; I do not think so; but they are brothers.

8012. At night time might not a stranger very well take the one for the other?—He might in the dark, I should think.

8013. Can you give me any list of the committees in the wards?—No.

8014. None at all?—No.

8015. You never inquired?—No; I can tell you the chairman of each ward.

8016. Have you got that written out?—No.

8017. I understand you are not aware of any ticket having been used in the east wards?—I am not aware of it, but when a reference was made this morning to tickets, I think what was meant was something just as a check. The secretary in the ward wrote out on a slip of paper something which served as a sort of check.

8018. I suppose that cards were issued to the supporters of Messrs. Miall and Forster?—Yes; voting cards.

8019. Were they yellow cards?—Yes.

8020. Mr. Ripley's cards were white, were they not?—Yes; I may say as to the cards that there was a misconception as to the evidence arising from that. Each messenger always had a card given to him, which was a yellow or an orange card, and refreshments were supplied to some of them on producing that as a voucher. The messengers had a card, signed by some authorised agent, which enabled him to receive the poll returns at the booth, and in order that they might not get into the wrong hands, when they went in for the returns, they were asked to produce their cards, to show who they were.

8021. In addition to the chairman of the ward having a certain discretion, were the district chairmen also entrusted with a discretion as to certain matters?—Not to my knowledge.

8022. Were there district chairmen?—I believe there were.

8023. I suppose they would be the persons to sit at the public-houses?—When the meetings were held there; but there is a misconception as to the use of the committee-rooms at public-houses. The fact is, that meetings were held only at some of those houses once a fortnight, but a house being a committee-room merely meant that a meeting was held there on a fixed evening once a fortnight; by public advertisements a meeting was announced.

8024. I understood you to say that you thought getting up the requisition was a very effectual canvass of the town; that was so, was it?—It was so.

8025. Was that done by paid canvassers?—I believe that some were paid, but as to that, I have no certain knowledge; I believe that some were paid.

8026. Mr. Baron Martin.] I understand that you were not concerned in that?—No, my Lord, not at all; I was not concerned in the election at all until the coalition took place between Mr. Forster and Mr. Miall; I had always acted for Mr. Forster, and when the coalition took place—

8027. Mr. Price.] The result of that canvass, which was the result of paid canvassing, was that which brought about a coalition between Mr. Forster and Mr. Miall?—I believe it was; I believe that it showed Mr. Forster that he had got so decidedly the views of the town that he thought it his duty to call upon Mr. Miall.

8028. Mr. Baron Martin.] I understand you to say that with this canvass Mr. Forster had nothing to do, and that it was merely to show Mr. Miall what amount of votes he could get. That was the object of the canvass, and Mr. Forster had nothing to do with it?—Nothing.

8029. Mr. Price.] That was the result of a paid

paid canvass?—I think only to a small extent; my impression is, that there were some paid canvassers.

8030. The expense of that canvass, as well as the expense incurred, whatever it was, as to the entertainment at Saint George's Hall, is not brought into this account?—Certainly not.

8031. Or any expense connected with the Liberal Association, which had been getting up this requisition to Mr. Miall?—No.

8032. Nor any of the expenses incurred about the municipal election?—No.

8033. How many poll-clerks had you?—What do you mean by poll-clerks?"

8034. Mr. Baron *Martin*.] By poll-clerks I presume you mean persons, whether they were at

a polling-booth or not, concerned in making calculations of the polling?—Yes, that is my view of a poll-clerk.

8035. You were called upon to form an opinion upon the meaning of the 4th section of the 17 & 18 of Victoria, cap. 102, and I understand the conclusion you came to was, that it did not distinctly prohibit refreshments being given on account of persons who were actually doing work?—Yes.

8036. That was your conclusion?—Yes.

8037. Am I to understand that you honestly acted upon that in the directions that you gave about this election?—Certainly.

[The Witness withdrew.

Mr. ALFRED BLYTHE KEMP, sworn; Examined by Mr. *Pope*.

8038. YOU, I believe, were the agent employed at the last election, and through whose hands all the payments were made?—Yes, with the exception of two or three items at the first.

8039. I believe your duties commenced on the 12th of October, and the last payment and the balancing of your account was about the 30th of November?—Later than that.

8040. Let me ask you this generally; were all the payments which you made from time to time entered in your cash-book in the regular way?—Yes.

8041. And are they all there?—They are all there.

8042. Are all the payments which you made filed, with all the vouchers, in the accounts handed to the returning officer?—Yes.

8043. Have there been any claims made, or are there any claims outstanding other than those included in that return?—No.

8044. Just let me briefly ask you to tell me what the real figures are, as disclosed by that return; for instance, we were told by Mr. Blackburn that there were 97 who appeared to have been paid, who were voters, or, as he said, persons of similar name; have you carefully examined the list. But before I asked you that question, he gave me the figures of 594 persons employed, according to those returns, who were paid; I believe that is an error?—Yes.

8045. There are 594 entries, but they represent 495 people, I believe?—Four hundred and ninety-five.

8046. Mr. Baron *Martin*.] Four hundred and ninety-five people were employed in the election?—Yes.

8047. Mr. *Pope*.] They were employed and paid?—Yes.

8048. That is in addition, of course, to the volunteer force, whatever that might have been?—Yes, and to the legal agents.

8049. We were told that in the list there were 97 voters; is that true?—No.

8050. Are there any voters, and, if so, how many?—On one of the analysis which Mr. Blackburn made, I can only find one voter.

8051. Do you know how he got there?—I believe he hit upon it.

28.

8052. Do you know how he became paid?—He gave in a false name.

8053. Mr. *Price*.] Do you know that of your own knowledge?—Yes, I am speaking from my own knowledge.

8054. What is the name which he gave?—Bramin, the witness who came forward at the first trial.

8055. Mr. *Pope*.] What name was he paid under?—He was paid under the name of Bramin, and gave the address as No. 1, Wapping-street, whereas the correct name was Bamin, No. 27, Wapping-street.

8056. You say that that is the only voter that you have been able to discover in the list given by Mr. Blackburn?—Yes.

8057. Then the 96 which he gave were not voters at all?—No.

8058. In fact, some of them were boys?—Some of them were boys and some dead men.

8059. Were the dead on the register, or were they actually dead?—Yes, they were actually dead.

8060. You say that that is according to Mr. Blackburn's list?—Yes.

8061. Let us have the whole of the facts; have you searched the list for yourself?—Yes.

8062. Do you find any more in that one list, after investigation?—No.

8063. With regard to the public-houses, will you just look at that list, and tell me whether that is an accurate list of the number of committees held, of the houses, and the whole particulars with reference to it (*handing a list to the Witness*)?—Yes.

8064. That shows 127 committee-rooms in public-houses, of which 62 furnished refreshments?—Yes.

8065. Do you know whether in those 127 houses meetings were held every night, or only occasionally?—Very occasionally in some of the houses.

8066. They appear as committee-rooms; but the meetings were only held occasionally there?—Only occasionally, and very small sums were paid for some of them.

A A 4

The

Mr.
J. H. Wade.
1 February
1869.

Mr.
A. B. Kemp.

Mr.
A. B. Kemp.
1 February
1869.

The following Table was delivered in:—

Number of Committee-rooms in each Ward, showing also the Number at which Refreshments were provided.

	Committee-rooms.			Refreshments.		
	Public-Houses.	Private Houses.	TOTAL.	Public-Houses.	Private Houses.	TOTAL.
East - - -	16	3	19	10	1	11
West - - -	24	5	29	12	1	13
North - - -	5	-	5	3	-	3
South - - -	16	3	19	14	1	15
L. Horton - -	21	5	26	13	1	14
G. Horton - -	12	5	17	1	-	1
Manningham -	9	2	11	5	2	7
Bowling - - -	24	3	27	4	-	4
	127	26	153	62	6	68

Cross-examined by Mr. Price.

8067. Let me understand how you test the fact. It is a fact, is it not, that there are 96 names amongst your paid canvassers whose identical names appear on the register?—You may in such a case —

8068. Do answer my question; is it the fact that 96 names are paid canvassers?—

Mr. Baron Martin.] I understood that there were no paid canvassers; you had better ask him whether there were any. The evidence that I have got hitherto is, that there were no paid canvassers.

8069. Mr. Price.] Perhaps I am wrong in calling them canvassers; they were 96 persons who had refreshment. Is it true that there were 96 persons who had refreshment whose names are identical with 96 people on the register?—I should think so; but that is from Mr. Blackburn's account.

8070. And in that ward alone?—In what ward?

8071. The South Ward; Mr. Blackburn was alluding to the ward in which the tickets were taken?—No, he was not, indeed; he speaks of every ward in the borough.

Mr. Blackburn's report was read.

Mr. Baron Martin.] There were 97 voters, clerks and messengers, judging from their names and addresses.

8072. Mr. Price.] No; Mr. Blackburn's evidence is, that there were 72 voters who received refreshments from those tickets, that is in the South Ward, and that you can only find one voter who was paid. Do you mean by paid, paid as a clerk or messenger?—Yes.

8073. Did you pass all the accounts?—I paid all the accounts.

8074. In the Bowling Ward, if you have got it there, will you turn to it?—Yes.

8075. "Day of polling, refreshments per tickets—breakfast for seven, 4s. 8d.; one gallon of ale, 1s. 8d.; rum, 10d.; tobacco, 2s. 11d.; and ale, 1l."?—What are you referring to?

8076. The Bowling Ward, the day of polling?—But where?

8077. At the "Napoleon"?—I have only the amounts here; the voucher was filed in the cause.

8078. I suppose you had the particulars?—Yes.

8079. Have you returned them?—Yes.

8080. I have asked for this and I cannot get it from you; but I will ask you, upon your recollection, did you pass such items as this as being, according to what Mr. Wade tells us, refreshment for work done; brandy, gin, port wine, bottled beer, cigars, and tobacco?—I paid such items if they are down in that account.

8081. You knew of Mr. Wade's careful instructions, and the construction of the Act that he put upon it, that what was necessary to sustain the energies of those who had worked was to be passed; did you know that under those instructions there was an absolute prohibition, and did you know that Mr. Wade's view was, that refreshments ought only to be given to sustain energy?—Yes.

8082. And did you after that pass brandy, ale, and gin?—

Mr. Baron Martin.] This bill is Forster and Miall's committee: "To four weeks' use of room and use of small upstairs' room on the polling day, 5s.; breakfast for seven, 4s. 9d.; rum, tobacco, brandy, gin, port wine, and bottled beer, 4s. 10d.; the brandy amounting to 1s. 4d., the gin to 3d., and the port wine to 3d."

8083. Mr. Price.] The ale comes to 1l., bottled beer 7s. 6d., cigars 7s., and refreshments 12l. 13s. 2d.; what do you understand to be refreshments, &c., &c., &c., as distinct from bottled beer, brandy, gin, port wine, gallons of ale, rum, tobacco, and tobacco?—They might be sandwiches, and they might be other things.

8084. They might be ham sandwiches, might not they?—Yes.

8085. Then the meaning of all those &c.'s you cannot give us an idea of?—No.

8086. Is it a fact that to a great number of the bills that were returned no particulars are given at all, but merely a lump sum?—Yes.

8087. Received the sum of so-and-so for refreshments?—Yes.

8088. Do you know that in the great majority of cases that is so?—I do not say the great majority of cases, but in a great number of cases it is so.

8089. That is put on a printed form, such as we have seen?—Yes.

8090. Although you have the details furnished you from the houses themselves?—There are no details but what are filed.

8091. How are those sums made out, those lump sums; do you mean to say that you paid them without the landlord furnishing you with a detailed account?—I must explain the mode of dealing with the accounts; the chairman of the district, or the secretary, was empowered to certify the accounts for refreshments, and when those accounts had been so certified, then the people came to me for payment.

8092. The

8092. Then, when you were satisfied, when you saw the certificate of the chairman, you required no details?—Except in instances where the amounts appeared to me large, then I inquired into them.

8093. Where are the certificates of the chairmen of those accounts?—All the certificates that we had are filed; there may be the orders to pay.

8094. Is that the case with regard to all?—Yes, with regard to all.

8095. Here is the bill; look at it. Here is a bill of John Hunt, of the "Rose and Crown," Longcroft-place; I see on this bill he gives you in dinner for eight men, 2 s. a man; refreshments all day, 2 l. 13 s.; total, 3 l. 9 s.; and I see at the back of this there is refreshments, 16 s., in pencil. E. C. Pollard, never authorised to do any more. Does that mean to represent Mr. Pollard, who was chairman of that district, or the secretary, the person we heard you say in whose certificate you trusted to, was of opinion that this man had spent more than he was authorised?—It appeared so at first until inquiry was made.

8096. You eventually paid him the whole demand?—Yes, when we found that it was correct.

8097. Perhaps his Lordship will allow me to recall Mr. Wade; I understood Mr. Wade to say that all the committee-rooms were hired on a form like this (*handing a form to the Witness*)?—No, not at all.

8098. (To Mr. Wade). This begins at 101; what is up to 101?—I do not know anything about that; Mr. Kemp knows more than I do.

8099. (To Mr. Kemp). Those bills are 101; where is 101, or I will take it in this way: have you got a single bill that will show the hiring of a single room in the West Ward?—No; I believe there are no engagements of the West Ward in this bill.

8100. Is every other ward there but the West Ward?—I believe not; I can tell you in a moment by looking through this book.

8101. My learned friend has looked through the book and tells me it is so, but you cannot tell me whether that is so or not; all that you have are here, I suppose?—All the engagements that were made on that form are here.

8102. Mr. Baron Martin.] What is your busi-

ness; are you an accountant?—I am an agent at Bradford.

8103. Mr. Price.] I should like to know why should you not pursue the same course in the West Ward as in the other wards; as in the Manningham Ward, for instance?—All throughout that ward the chairman and secretary of the ward made their own engagements, and they did not return them in that form to the central committee.

8104. Did they make any return?—No.

8105. Then it was left entirely to the end of the election?—It was left entirely to the end of the election; they had their bills under their own control and made their own arrangements.

8106. Although you had insisted, I conclude, upon a different proceeding with regard to the other wards?—There was no insisting about it.

8107. I mean you had made it expressly for that, and not for all the other wards?—Only partially; there are a great many engagements for other wards that are not in that form.

8108. Who was the chairman of the West Ward?—At first, Alderman West, the present mayor, was chairman.

8109. He was the chairman at first; who succeeded him when he was made returning officer?—Mr. Brown.

8110. Who was the secretary?—Mr. Akam.

8111. Do you know the "Foresters' Arms"?—Yes.

8112. Was Mr. Whalley the secretary?—Yes.

8113. And Mr. Irving the chairman there?—Yes.

8114. Did you pass that account containing 95 refreshment tickets?—Yes.

8115. What does that mean?—I asked an explanation of Mr. Whalley, and he said he had written short notes to the landlords, saying, "Supply so-and-so with refreshments;" but there were no tickets used.

8116. Mr. Serjeant Ballantine.] What is the name of the landlord?—John McCan.

8117. Mr. Price.] Was the bill paid in that form?—Yes, after inquiry.

8118. What was the amount of the bill?—£.2. 5 s.

[The Witness withdrew.

EDWARD WEST, Esq., made a solemn affirmation; and was Examined by Mr. Serjeant Ballantine.

8119. YOU are now Mayor of Bradford?—Yes, I am.

8120. At the time of this election you had not attained that dignity?—I had not.

8121. I perceive that your name is to the bills in the West Ward and the East Ward?—Yes.

8122. I believe I may take it that another

gentleman did your duty, a Mr. Beaumont?—Another gentleman did it from the very first; I was out of health, and I could not attend.

8123. You have had nothing whatever to do with that ward?—I had nothing whatever to do with that ward.

[The Witness withdrew.

The Right Honourable WILLIAM EDWARD FORSTER, M.P., sworn; Examined by Mr. Serjeant Ballantine.

8124. ARE you the present Member for the borough of Bradford?—Yes.

8125. When were you first elected, I mean the original election?—In 1861, upon the resignation of Mr. Salt.

8126. I believe that twice since then you have been elected member?—I was elected then without a contest, and again without a contest.

28.

8127. I believe you are a manufacturer carrying on an extensive business in this borough?—My works, at least the works of the firm of which I am a partner, are 10 miles from this borough, but we have a warehouse in which we sell pieces, the pieces that we make.

8128. So that you may be called a local man?—Yes; and I am a burgess of the borough also.

B B

8129. Had

Mr.
A. B. Kemp
—
1 February
1869.

E. West,
Esq.
—

Right Hon.
W. E.
Forster,
M. P.
—

ight Hon. 8129. Had you been at all acquainted with Mr. Miall before the present contest?—I met him, I think, once at Mr. Cobden's funeral, and I saw him once for a minute or two at a committee upon education, I think it was; otherwise I never saw him until the day on which I thought it my duty to coalesce with him.

8130. I believe you are no party in any way to the canvass of the Liberal electors pursued by Mr. Miall?—None whatever; it was while I was in Parliament, and very busy in Parliament.

8131. I believe, in passing the Act, among other things, under which my Lord is sitting?—Yes.

8132. Then, there was no personal connection between you and Mr. Miall; but the numbers of Liberal electors in his favour were such that you felt bound to join with him?—I may explain that, when I was first asked by a deputation of Mr. Miall's friends to coalesce with him, it was before my late colleague, Mr. Thompson, had signified his intention not to stand; and, also, I was convinced by that deputation that the majority of what I considered the Liberal part of the borough were in favour of Mr. Miall. I said that I thought I could not rightly coalesce with him, in opposition to the colleague who had been voting with me during the last session. I therefore refused to do so. Immediately after that, to my surprise, and I believe to the surprise of everyone in the borough, Mr. Thompson declared that he would not stand again. I then thought that the objection which stood against my coalescing with Mr. Miall was removed; and, quite irrespective of any consequences to myself, I thought it my duty to coalesce with him.

8133. I believe that, so far as your own position in the borough went, that certainly did not effect it beneficially?—No, it did not; but I should be misleading my Lord if I said that I thought that it really endangered my seat; I thought my seat safe from the beginning.

8134. I believe that the solicitor who has been called had been your solicitor on former occasions?—His partner, Mr. George, was my agent, and it was the same thing.

8135. But Mr. Wade was active in the matter, while Mr. George had nothing whatever to do with it?—Yes; I believe that it was a necessary formality, that both Mr. Miall and myself should appoint a gentleman as an agent, and I think I made a form of appointing Mr. George, and I think Mr. Miall appointed Mr. Wade.

8136. Mr. Wade was the gentleman who really did all the business?—It was understood so.

8137. I suppose that it was a matter of some anxiety to you to know what was the legal course at an election, with regard to some provisions of the different Acts?—Yes, it was so. Very soon after my coalescence I went abroad, and remained abroad till the beginning of October; when I got back I found the town in a ferment of agitation, and what seemed to me to be a very severe contest, which, although I was nominally engaged in, was to my belief, and I think to the belief of every other person in the borough, a contest really between Mr. Miall and Mr. Ripley. I did not at first ask my friends whether they were conducting it with every effort for purity, because I felt that I should have insulted them by doing so; but I thought it my duty to ascertain, to the best of my ability, that not only did they wish to do it, but that they were taking measures to secure that it was conducted so.

8138. I believe that you sent for some of your friends?—Two or three times; several times, I believe, I spoke to Mr. Wade, who I knew was as anxious as myself, merely to satisfy myself that he was taking the practicable steps that were desirable. But I may mention, that a few days before the election, when I saw how very hot the contest was, I especially requested him to call the two vice-chairmen, I may say the two active managers of the election (Mr. Titus Salt, the chairman's health not allowing him to have much to do with it), Mr. Brown, and Mr. Kell, to meet me at Mr. Wade's office.

8139. And they did so, I believe?—Yes, they did so; and I may say that I have no reason to suppose that anything had been done, or would be done; but I thought that it was not enough for me to express a wish that purity should be preserved, but that I must be sure that steps were taken to preserve it; and I said to Mr. Wade, "Not only do I wish it on public grounds, but it would be a cruel shame" (I think that was the word I used), "if I should be in any way endangered, when without my coalition with Mr. Miall I could not have been endangered, because I should have had probably no committee at all, certainly only a few gentlemen, and I should have thrown myself generally on the constituency, and I believe there would have been no necessity for that active organisation out of which alone danger could arise."

8140. And did you explain your views to those gentlemen in the presence of Mr. Wade?—They said what I knew very well, that they were as anxious as I was; I fully believed them. I believed them then and I believe them now. I may say that Mr. Wade then read to me (I think he had done so before) the first instructions that he had issued, and I think he told me that he was going to repeat them. I said, "These are all very good for you and me; they give extracts from the law, but," I said, "we may have to deal with persons who will not perfectly understand the letter of the law, and I am afraid." (I made use of this expression) "you must turn it into English so that they can thoroughly understand it." I allude to the first instruction, in which he repeated sentence after sentence from the Act of Parliament, and I said, "You must send round a letter telling them, in practical common sense words, what are the sort of things that they must do."

8141. And that resulted, I suppose, in the further instructions?—Yes. While they were talking over that, I heard one of them make use of the word refreshment, which rather alarmed me, and I turned round and said, "I do not know what that means," and they then explained it to me. I think Mr. Wade himself explained it; and he said that it would be impossible on the day of the polling to get through the work, unless the people had something to eat and to drink. I said, "I suppose you mean it for workers only?" and I came away from the room with the full conviction that it was the intention of Mr. Wade, and of my vice-chairman, that it should be confined to workers, and that it was his belief and their belief that the law justified them in the refreshments.

8142. Mr. Baron Martin.] You were satisfied that the refreshment was intended for workers only, and in your judgment the law authorised it?—Yes; I did not pretend to interpret the law, except I could just recollect that the word corruptly

ruptly had turned up in the debates on the Reform Bill, and also on the Bribery Bill, and I clearly understood that it meant what I may call the popular English interpretation, but, of course, that is for the lawyers rather than for me.

8143. Mr. Serjeant *Ballantine*.] Then all you come to do there, is to make Acts of Parliament which the people cannot understand?—It is our fault very often, I fear. -

8144. Mr. Baron *Martin*.] It is obvious that what I said casually, is the same view that Mr. Forster has, that this clause in the Act really was framed for a Committee of the House of Commons?—Quite so.

8145. Mr. Serjeant *Ballantine*.] We have heard the result of the election; and I suppose you knew from time to time how the polling was going on?—Yes. I should just like to mention, as it has been a matter that has been mooted, the practical reason upon which I grounded my firm belief that my own seat was safe. Very soon after my return from the Continent, I saw the canvass book; in fact, I took care to see the canvass book day after day. From the very first I was very considerably ahead of my colleague in the contest, Mr. Miall. I paid no attention to the numbers that were given in the canvass-book for Mr. Ripley, because I felt that I could not depend upon what my opponent canvassers said; but I did depend upon the reports that were made by canvassers who I knew were very much the same persons who had canvassed for the requisition for Mr. Miall; and when those books showed me from the beginning, and day after day, myself largely ahead of Mr. Miall, I knew that I was safe, and I may say that, with the exception of one day or two, in which in the ward of Great Horton, I was two behind Mr. Miall, there was never a time in which I was not ahead of him in each of the wards. I may also say that I grounded my belief that my seat was safe upon the knowledge that no one was really opposing me, that the only opposition that was taken to me in the course of the contest, was upon two grounds; first, that of coalition with Mr. Miall; and, secondly, that on meeting a few persons representing themselves to be Fenians, or having Fenian sympathies, but whom, by the evidence before this Court, I find to have been agents of Mr. Kitcheman, they made some objection to me.

8146. We have heard what was the result of the poll, and we have heard the particulars of these petitions; I will just ask you this: Do you know of one single halfpenny being spent at the election in an improper mode?—I do not.

8147. And is there anything whatever behind of any character or class, to the best of your knowledge?—Most certainly not; and I may say this, that from the first moment that I heard of the possibility of a petition against Mr. Ripley, I thought it was possible that it might be followed by a petition against myself, and I really have been spending all the time that I could spare in trying to discover whether there had been anything done which ought not to have been done; and I may say that I have not discovered it.

Cross-examined by Mr. *Price*.

8148. It is not an uncommon thing for the candidate to be the last person to discover it?—Not an uncommon thing; but I should think it an uncommon thing for any candidate who had taken such pains to find out as I have.

8149. It is a fact, is it not, that there was an immensely large increase to the constituency by the New Reform Bill?—From somewhere about 5,000 to 19,960 possible voters.

8150. There were 14,000 new voters who had never expressed any political opinion so far as voting was concerned?—No; they had expressed very great agreement with me upon political questions.

8151. Pardon me, I did not say that they had not, but I merely said, to get the fact, that there were 14,000 who, as far as voting was concerned, had not had an opportunity before of expressing their opinion?—Yes.

8152. And Mr. Miall had very carefully canvassed them before you determined to coalesce?—He himself had not canvassed. There had been this requisition.

8153. You and Mr. Ripley were on very good terms?—We were on the terms of acquaintance of two gentlemen living in the same town and working together.

8154. There are mutual friends of both of you?—Yes, a great many.

8155. They voted nearly to a man, did not they?—No; a great number of gentlemen who expressed great willingness to support me before have since expressed regret that my coalition with Mr. Miall prevented their voting for me, and did not vote for me; I believe, if you ask me the question, there probably were 2,000 or 3,000 voters who, under the circumstances, would have voted for me, but did not.

8156. Mr. Ripley was at the head of the poll up to the middle of the day, I believe?—I think not till the middle of the day; I think not at 12; I think it was before 12 that I headed him; there were differences between his returns and our returns.

8157. Do not you know, or have you had a sufficient analysis of the poll-book to know, that after that hour Mr. Ripley's friends, finding that Mr. Miall had no chance of success, gave you their split votes, having up to that time, as you say, plumped for Mr. Ripley, but after that time, when Mr. Miall was, as you say, dead beaten, Mr. Ripley's friends then, I would not say to a man, because that cannot be said, but Mr. Ripley's friends very generally split with you?—No, I have not that knowledge. I know that several of Mr. Ripley's friends did split with me; and I knew that, under any circumstances, they would; I know also, that a short time before the election a circular was sent round by Mr. Ripley's committee requesting them not to vote for me; but I know that a very great number of them quite disregarded that circular.

[The Witness withdrew.]

Right Hon.
W. E.
Forster,
M. P.
1 Februar
1869.

Mr. ROBERT KELL, sworn; Examined by Mr. Serjeant *Sargood*.

R. Kell.
February
1869.

8158. WHAT are you?—A Merchant in Bradford.

8159. I think you were vice-chairman, were you not, of Forster and Miall's committee?—One of the vice-chairmen, Mr. Brown being the other.

8160. What part did you take in the conduct of affairs as vice-chairman?—I attended a great many meetings of the various selected committees in the Central Ward committee-room in the borough; I attended a great many political meetings to advocate the claims of Mr. Forster and Mr. Miall, doing a great deal of stump oratory.

8161. Did you attend any of the meetings in that important locality called Silsbridge-lane, do you remember?—Yes, I was in the West Ward, I think, upon four separate occasions. Upon the first occasion I walked with Mr. Mahoney from my club to the "Gladstone Arms," where a meeting was to be held; a public meeting which was called by placard in the large upper room of the "Gladstone Arms." A good deal has been said about beer in that ward; I should like to go into detail. We arrived at the "Gladstone Arms" too soon for the meeting, a quarter of an hour too soon, perhaps; did not go up into the large room above, but sat down by ourselves in a small room on the left-hand side, the bar side of the house. I called for a glass of beer, and paid 2 *d.* for it; Mr. Mahoney called for a glass of beer, and paid 2 *d.* for it, and two or three other gentlemen came in, and most of them called for a glass of beer, and paid 2 *d.* for it; then we went into the large room upstairs, and held a meeting, and went from that place to another inn, which, I think, is called the "Britannia;" a smaller room, in which one of the gentlemen present said he counted 115 persons.

8162. Before we get to the "Britannia," in the upper room where the meeting was held, was there any treating, or anything of the sort, to your knowledge?—No; there was no beer whatever in that room; the room is surrounded by a bench against the wall, and that bench was pretty well filled, and the rest of the whole space was vacant, with the exception of a small table in front of a little dais, on which we stood; a great number of the meeting came up the staircase with us, or following us, and filled the room entirely.

8163. Was there no beer?—No sign of any beer; we went then to a small inn, which is called, I think, the "Britannia," into an upper room; there were, perhaps, 30 or 40 persons in the room when we went into it, and the room filled up till it was like the Black Hole of Calcutta for heat and unpleasantness. When we went there, there were 30 or 40 persons sitting or standing as well as they could, and there were about five glasses with something in them before the men here and there; about four or five or six glasses, but no general drinking; they were evidently waiting till the speakers came to form the meeting; there were no cans, no pitchers, no anything.

8164. From there did you visit any other place?—Not that night; after speaking I returned into the town.

8165. Those district committees were not held daily, I believe?—No; in many committee-rooms meetings were held, and they were called Forster and Miall's committee-rooms, and our yellow or orange bills were kept constantly in the windows;

it was called a Forster and Miall house. In some of those rooms a meeting was held once a fortnight, in other rooms once a week, and sometimes twice a week, and perhaps in most of them they got to be more frequent as the election approached, and you will find that in almost every ward, bills were printed in which a committee meeting was held, say in the "Black Horse" on Monday night, in the "Brown Cow" on Tuesday night, in the "Labourers' Arms" on Wednesday night, and so on throughout.

8166. This is the sort of bill: "Travellers' Rest," Tuesday, 29th September; "Fitzgerald" Inn, Friday, 2nd October; "Robin Hood" Inn, Tuesday, 6th; "Brown Cow" Inn, Friday, 9th, and so forth?—Yes.

8167. About twice a week varying the rooms?—Yes; I am anxious to put in that evidence to meet the allegation that those public-houses were kept open for Forster and Miall's meeting.

8168. Mr. Baron *Martin*.] You mean that as showing that any person might go in and drink there when the meeting was not being held?—Yes.

8169. Mr. Serjeant *Sargood*.] There was no kind of meeting of the committee *de die in diem*?—No.

8170. But a meeting was publicly announced on a certain evening?—Yes; as you read the bill, Forster and Miall's committee-room was there permanently, but all other nights the room was used for any other purpose that the landlord applied it to.

8171. On ordinary meetings of the canvassers did they take there beer or whatever they wanted?—No doubt; I spoke of having been in the West Ward four times; I think I said that Mr. Mahoney was with me on that night, and with the exception of 2 *d.* which I paid for a glass of beer, and 2 *d.* which Mr. Mahoney paid for a glass of beer, no beer was paid for by anybody, and no beer was drunk; I was, as I said, four times in the West Ward; twice was at a large room not in a public-house at all, but a room in Northgate which holds perhaps 600 or 700 people; Mr. Mahoney was with me there, and Mr. Miall was with us upon one occasion; I forget now whether it was one of the nights when Mr. Miall was with us, but there was no drinking and no anything; it was not a public-house; it was a large room nearly as large as this court.

8172. While you were with Mr. Mahoney in any public-house did he, to your knowledge or in your presence, ever treat anybody?—Never; he paid 2 *d.* for one glass of beer at the "Gladstone Arms."

8173. It is stated that he did that when you were with him?—That is not so; the second time I was there was with Mr. Mahoney, and the third time I was there with Mr. Mahoney in company with Messrs. Miall and Forster; on that evening we visited nine houses, almost always the large upper room where a public meeting was held; not a committee meeting; those rooms were all filled as full as they could hold, and I suppose that Messrs. Forster and Miall addressed that night nearly 2000 people in those different rooms; there was no drinking in any of them, nor any sign of any drinking; there was no room for drinking, the tables had been cleared out, or if they had not, they were sat upon or stood upon by the audience; that makes the four occasions upon

upon which I remember to have been in the West Ward.

8174. To your knowledge, both there and elsewhere, was there always a guarded abstinence from anything of the sort?—I never saw any drinking of any sort; I do not remember ever seeing, except as I speak of on that evening, any beer upon a table at all, in either a jug or a pitcher or a can, and I went about a great deal; I went to transact business it is true, or else to hold public meetings, and not to the small district committee meetings.

Cross-examined by Mr. Price.

Mr. R. Kell.

1 February
1869.

8175. I understand from you that when you went down it was like the announcements one sees in the playbills; you were the great stump orator of the borough, and the people were sufficiently delighted to hear you without caring for drink in the least while you were there?—Very likely.

8176. The tables were taken away and you jumped upon a chair or a platform. You were the star of the evening, in fact?—Not exactly; I spoke a great deal.

[The Witness withdrew.]

ALFRED ILLINGWORTH, Esq., M.P., sworn; Examined by Mr. Pope.

8177. You are the Member of Parliament for Knaresborough?—Yes.

8178. And were you interested in the election of Messrs. Forster and Miall?—As much as any man in the borough.

8179. I will just ask you this: were you ever at the "Gladstone Arms," and did you say to the landlord, "Let them have plenty of beer in"?—In every particular it is an unmitigated lie.

Cross-examined by Mr. Price.

[The Witness withdrew.]

8180. That is strong language, and I will accept

it; it being language that you have learned at Knaresborough, I presume?—I was never there in my life. That is the only explanation that I should like to make. Mr. Price speaks of the qualification for Knaresborough, but I should say that there is only one Yorkshire borough, and that is Sheffield, where a smart price was offered, but it was not accepted there.

A.

Illingworth,
Esq., M.P.

Mr. HENRY ILLINGWORTH, sworn; Examined by Mr. Serjeant Ballantine.

8181. ARE you the brother of the last witness?—I am.

8182. Have you heard what was imputed to your brother?—Yes.

8183. Are you the person who is guilty of it?—No, I am not.

8184. Mr. Baron Martin.] Were you at the "Gladstone Arms"?—I have been there several times, but never once did I order a glass of beer, or speak to the landlord to order any beer, in there in my life.

Cross-examined by Mr. Price.

Mr. H.
Illingworth.

8185. You had been there several times during the election?—Yes.

8186. And took an active part?—Yes, I may say I did; I should think I had been there three or four times.

8187. Mr. Baron Martin.] You never ordered anything?—Never.

[The Witness withdrew.]

MR. GEORGE BEAUMONT, sworn; Examined by Mr. Serjeant Sargood.

8188. YOU were also a vice-chairman of the general committee, I think?—I was.

8189. And did you take an active part and do work as chairman?—I did.

8190. Did you see the instructions that were sent to the various wards?—I did.

8191. As far as you were able to say, were they acted upon with great care?—They were.

8192. Did you see the printed notices that were sent round with the extracts from the statutes as to the law upon bribery, treating, and so forth?—I did.

8193. Were they publicly exhibited in the rooms?—To the best of my knowledge, they were in every room.

8194. Were your committees, committees that were actually working in the matter, or were people put upon them as a mere sham?—They were very hard-working committees.

8195. Had you books, and card and voters' books, and so forth?—We had.

8196. And did you use them?—We used them.

8197. Do you know of any paid canvassers?—Not in our ward.

28.

8198. Of course, I can only ask you as to your own ward?—There were not any in our ward.

8199. What time of day was the work usually done by the committees?—Almost invariably at night.

8200. I believe most of you were gentlemen occupied in business during the day?—Yes.

8201. Was yours the second largest ward in the borough?—It was.

8202. How many voters have you in it; do you know?—About 3,300; I do not know the exact number.

8203. Then yours was a very large ward, and you had to work in it in subdivided portions, I suppose?—Yes.

8204. Do you know how many people were employed on the polling day in doing work in and out of doors?—I do not; it was a very large number in the different districts; we had seven districts in our ward.

8205. I believe you had drivers of carriages, and messengers, and so on, all hard at work?—We had.

B B 3

8206. You

Mr. G.
Beaumont.

Mr. G. Beaumont. 8206. You are aware the refreshments were provided on that day?—Yes.
 — 8207. To your knowledge, were they confined to those people who were at work?—To my knowledge, they were.
 February 1869.

Cross-examined by Mr. Price.

8208. You did not carve the ham, I take that for granted?—No.

8209. Or draw the beer?—No.

8210. You say that all those printed instructions were hung up; had you a great number of working men upon your committees?—We had.

8211. Irish?—Not many Irish on the committee; we had Irish meetings, but there were not so many Irish on the committees.

8212. But you had Irish?—Yes, we had Irish.

8213. Whether they could all read or write you do not know?—I do not.

8214. I am afraid that the experience which we have had would tell you that there are a good many voters in Bradford that could neither do one nor the other?—Yes.

8215. Have you got a list of the committees that you can give me?—We have no lists of the committees.

8216. Did you not make the list out?—We had an executive ward committee.

8217. I should like to see it; I should like to know whether you had any list of what were called those district committees?—No, I have not.

8218. How many committees had you in Silsbridge-lane altogether?—We had only one in Silsbridge-lane.

8219. What did you take so many public-houses for?—Those were taken long before the election for the purpose of holding meetings.

8220. You held a meeting once a week?—I cannot tell you exactly how often; once a fortnight I should think it would be.

8221. Do you mean that this number of public-houses were taken in Silsbridge-lane for the purpose of holding meetings?—Yes, and for the polling day.

8222. Why should not one do for you; why did you want to take two within 20 yards of one another?—There are 750 voters I believe in that district, and on the polling day it was our opinion that it would be best to divide the districts.

8223. I am speaking of long before the polling day; what was the occasion for your having this large number of committee-rooms, which you say were taken long before the election, in Silsbridge-lane, within 20 yards of one another?—To hold meetings, not merely for the purpose of our arrangements on the polling day.

8224. I see that there are a nest of eight, all in that small circle (*describing the same*) on a

map, and do you mean to say that it was absolutely necessary to take those for the purpose of holding meetings; and for the polling day?—They were the most convenient houses that we could get for the purpose.

8225. What was the largest meeting that you have held?—There was no large meeting there.

8226. What meetings did you hold at those places?—The weekly meetings for the canvassers.

8227. Might not one have done?—One might have done, certainly.

8228. Had you been put down at each of those houses as committee-men?—I cannot answer that question.

8229. Who can answer it for me?—Mr. Robertshaw was the chairman within that district.

8230. Do you mean to say that you really do not know?—I do not know how many there were.

8231. But were there, or were there not, committees formed of voters of the class you have told us in each of those houses?—No, I believe not; to the best of my belief they were not.

8232. They were called committee-houses, which was after all a sham; they were not committee-houses, although they were called committee-houses?—They were called Forster and Miall's committee-rooms.

8233. And to the best of your belief, at a great number of them no committees were ever held?—No, there was not a room there but what committees were held at it.

8234. I asked you just now, were there district committees formed in each of those houses?—I believe not at each of those houses; the way the thing was worked was this. There were six or seven; I am not quite sure how many, and placards were printed, and meetings were held alternately, which would come round about once every 10 days or two weeks at each house.

8235. Why could not they always be held at the same house?—They might have always been held at the same house, but it was more convenient as we did hold them.

8236. Did you one night go round with Messrs. Forster and Miall to as many as 13 of those houses?—I do not know; no, it is not 13; I really cannot tell you the number, but my impression is that it was some eight or nine.

8237. Eight or nine you went to; do you know whether they were going to others after you had left them in the same district?—They started at one end, and went round the district.

8238. You went to eight or nine, and they had not finished all their round?—Yes, they had.

8239. Had they been to any others before you joined them?—Not that I am aware of.

[The Witness withdrew.]

The Right Honourable WILLIAM EDWARD FORSTER, M.P., re-called; further
 Examined by Mr. Serjeant Ballantine.

Right Hon. W. E. Forster, M. P. 8240. You have heard the question in relation to the number of public-houses; have you got a memorandum of every one you went to?—Yes, I have.

8241. How many did you go to?—Mr. Miall and myself went to nine public-houses in what is called the Irish quarter in one evening, and I can give the reason why we did so; we did not do it in any other quarter; I may say that

between my return from the Continent and the day of nomination, I attended 36 meetings; six were in St. Georges Hall, 15 were in school-rooms, and 15 were in public-houses; and the reason that we went in the Irish quarter to so many was, that I was told that there was very great discussion amongst the Irish themselves, and they were intending to promise to vote for Mr. Miall and himself; but there were many reasons

reasons given to them why they should not, and we were told that they preferred meeting us in a comparatively small room, when they could ask us questions more easily than they could in large rooms, and the result was that on that evening

very important questions were asked me by men representing themselves to be Fenians, who I understand now were paid agents of Mr. Kitchenman.

[The Witness withdrew.]

Right Hon.
W. E.
Forster,
M. P.

1 February
1869.

Mr. JOSHUA POLLARD, sworn; Examined by Mr. Pope.

8242. ARE you a Commission Merchant at Bradford?—Yes.

8243. And you, I believe, were during this election chairman of the East Ward?—Yes.

8244. That is the ward in which reference has been made to several public-houses?—It is.

8245. Let me ask you this question generally, before asking you specially with regard to any of them; was an express arrangement made with the public-houses as to the hire of their rooms?—There was.

8246. Tell us what the arrangement made was?—The arrangement made was that they should be used for places of meeting in order that members of the committee might go in there and out there without being compelled to drink for the good of the house, as they called it.

8247.—Was it an express resolution that they should not be expected to drink for the good of the house?—It was.

8248. And on that account was an additional price paid for the rooms?—Later on it was.

8249. The "Airedale Inn" has been mentioned in the East Ward as being one of the houses in question; throughout the East Ward, were those committee rooms or houses kept open every day, or were they used for meetings at intervals as in the case of the West Ward?—None of them were kept open every day, but just like Mr. Beaumont has said in the West Ward, meetings were held very occasionally, sometimes once a week, and an adjournment to another place at another time, but still never more than once a week.

8250. Mr. Baron *Martin*.] There was no permanent occupation of those houses?—No.

8251. It was merely for the privilege of going there when you thought fit?—That is all.

8252. Mr. *Pope*.] As chairman of the ward were you in the habit of constantly going round to those various meetings?—Several times; I went frequently.

8253. Had you ever seen anything like drinking or treating going on when you have visited those committee rooms?—I can not only say no, but in many of them I have never seen drink astir at all, I have not seen the shadow of it.

8254. Towards the end of the time I believe some of those public-houses left you and went to the other side?—They did.

8255. Was it in consequence of that, and to prevent them complaining that you did not drink

enough, that the prices were raised and more paid for the use of the rooms?—It was so.

8256. I understand you that you went round to those various committee rooms in your own Ward?—I did frequently.

8257. You were aware of the instruction that had been issued by Mr. Wade?—I was; I have a copy of them in my pocket now.

8258. Did you take pains to ascertain that your subordinates in the various committees were as far as possible carrying out those instructions?—I specially directed my attention to that fact.

8259. Had you any reason to believe that substantially they were carried out?—I believe they were.

8260. With reference to the polling day, I believe your case may be taken as a sample of others. For the polling day I believe you yourself provided an empty house for the use of some of those who were engaged in bringing up voters?—Yes; for the purpose of checking the returns, and sending them to their districts as well.

8261. And did you yourself at your own expense provide something like ten or a dozen clerks to assist in that work?—I did.

8262. They were not paid by the committee at all?—Not one of them.

8263. In that case were those some of the people to whom refreshments were furnished upon the polling day?—They were.

8264. The refreshments were sent to this private house and they took them there instead of going home?—They did.

8265. I do not know that it is very material, but I believe there were very few voters amongst those clerks that you employed?—Only two.

8266. As far as you know with reference to the refreshments supplied on the polling day, was it supplied to people of that character in your ward?—So far as the East Ward was concerned it was; it was supplied to persons who were not voters but who were checkers.

8267. Did you specially direct your attention as chairman of that ward, to see that those instructions were carried out?—I did.

8268. To check anything like an abuse of them, as far as possible?—I did.

Mr. *Price* stated that he would not cross-examine the Witness.

[The Witness withdrew.]

Mr. WILLIAM HENRY WOOD, sworn; Examined by Mr. Serjeant *Ballantine*.

8269. WERE you the Secretary of the South Ward Committee-rooms of Messrs Forster and Miall?—I was.

8270. Mr. Boothroyd was chairman of the ward, was he not?—Yes.

8271. Were you present at the different houses that were used from time to time as committee-rooms?—Yes; we had a central committee-room at the "Golden Lion," and our ward was

divided into five districts previous to the election; as the election approached we had one very large district, and we divided it all into two for the "Royal Hotel" and the "Farm House."

8272. As far as you know, and within your observation, were any refreshments, or treating of any kind, going on with the voters?—None whatever; we had a room where no beer or any thing else was in; we did our business as business

Mr.
W.H. Wood.

Mr.
W.H. Wood.
1 February
1869.

ness men would, and if men liked to stay after and get drink on their own account they did so, but I never saw anything paid for, or anything taken during business.

8273. Of course you could not prevent men stopping at a public-house if they chose to stop and pay for their drink?—No; and I have seen 40 or 50 men together, but not more than two or three, or four, stay out of the lot, and if they did stay it is their own choice of course.

8274. As far as you could effect it, did you prevent anything like a supply of any refreshments?—We did. I will explain to you about those tickets which have been so much spoken of. Previous to the elections we asked questions from the central committee-room what we should do about refreshments for the polling day. Hitherto, up to that time, we had never supplied refreshments of any kind whatever, either eating or drinking. We got instructions from Mr. Wade; he sent one to me as well as to Mr. Boothroyd, and we discussed those instructions on the Saturday night previous to the election. We had a very long discussion, and two of our committee asked if the publicans might supply what was required for the men, but we stated, "No, we will put a check upon the expenditure, in the first place, on the accounts of the publicans; and in the next case we would avoid bribery or treating, and each man should take a ticket." We then consulted, and I asked the different secretaries of divisions (there would be six divisions), how many men they would have in each division that would require refreshments. Most of them were volunteers, in fact all volunteers, but non-voters. They then told me that perhaps they would require some 50, 60, or 70. I then multiplied that by four; that was for the beers, for we had decided, as you will see by the minute-book, that not more than four beers were to be supplied to each man who worked actually on the day. You will find the words actually entered on our minute, that they were to have not more than two sandwiches, and those who were teetotallers and who preferred coffee—and we have many teetotallers in our district (I am one myself)—were to have had only two cups of coffee instead of four beers. That amount would not extend beyond 1s. 6d. for a man for a day, and that was to be for his work entirely. We then came to the conclusion that we should require some 1,200 or 1,500 tickets, which would be in excess of what we required, and many of

those tickets were not used; and one of our chairmen showed me a large bundle on Saturday morning which he had not used; and with regard to the expenditure I may add, that when the bills were sent in they were all checked by the district secretaries, in the first place, and secondly, they put their initials on the bills, and they then came to me for me to sign my name before going in into Mr. Kemp. There was only one exception when they disputed it, which was in the case of the "Farm House;" that man had got 8 l. for the room, and it should have been 40 s.; he had charged because he made a little alteration in having a large room for our meetings. He had charged an extravagant sum, 8 l., making it 10 l. for the rooms, and he had asked 10 l. for refreshments, and I told him it was unreasonable for the others had only been about 3 l. Therefore I disputed his account, and I said it was not signed by the district secretary, and therefore he must go back to him. He went backwards and forwards to the chairman, the secretary and others, and at last I believe there was some arrangement made with him, and he compromised it to 17 l.

8275. That was not authorised by you?—Not at all.

8276. As far as you know, was anything given at all to any voter, with the view of influencing his vote, or for any other purpose?—None whatever; our motives were the purest and best at that time that can possibly be.

Mr. Price stated that he had no question to ask the Witness.

8277. Mr. Baron *Martin*.] Am I to understand that nothing that was given in the way of meat or drink was given to any person except those whom you believed to be workmen in your cause?—None.

8278. None was given to any voter with the view of influencing his vote?—None whatever. We charged the district secretaries, and the chairman, who were all present at our executive ward meeting, that Saturday night, "On no account give a ticket to a man before he voted, or afterwards." Those tickets were for the men who had been working during the day; they got refreshments at Messrs. Forster and Miall's expense; I got coffee and a sandwich, and was not bribed, nor were any of those men who got tickets.

[The Witness withdrew.

MR. JOSEPH BOOTHROYD, sworn; Examined by Mr. Serjeant *Ballantine*.

Mr. J.
Boothroyd.

8279. I BELIEVE you were a warm supporter of Messrs. Forster and Miall?—I was.

8280. Were you the chairman of the committee of which the gentleman who has just gone down was secretary?—Yes; the South Ward committee.

8281. As far as you know, were any refreshments whatever given to voters, in relation to to their votes, in your ward?—Not any that I either saw or heard of.

8282. And did you do all that you possibly could to prevent it?—I did.

8283. Both by orders, and also by supervision?

—More by orders at the central committee than by supervision.

8284. Had you any reason to suppose that there was any refreshment given in that way to voters?—I had none.

8285. We have heard of those tickets being issued, and the last witness has given us an account of them, so I will not trouble you with them. Were those the orders that you received, and to the fullest extent of your powers were they the orders that you acted upon?—Yes, they were; and they were acted upon.

[The Witness withdrew.

Mr. GEORGE COLE, sworn; Examined by Mr. Serjeant *Sargood*.

8286. WERE you secretary to the Forster and Miall committee, in Bowling Ward?—I was.

8287. Was it part of your duty to communicate with the landlord of the "Napoleon Inn" as to refreshments?—Yes, it was.

8288. Did you get your instructions from the central committee?—I did.

8289. Had you the custody of any of the tickets?—No, I had not.

8290. Who had the furnishing of the tickets?—The sub-secretary.

8291. Did you superintend their distribution?—I did.

8292. To whom were they given?—They were given to the canvassers, and those who had charge of the different districts. I have a sample before me (*producing the same*).

8293. Mr. Baron *Martin*.] They were given to persons who were in actual work, as I understand you?—Yes.

8294. Mr. Serjeant *Sargood*.] I mean the refreshment tickets, not the cards?—Those cards entitled the holders to refreshments in our ward.

8295. Instead of paper tickets?—Yes; and also messengers, cards entitled persons to refreshment.

8296. Did the messengers have cards to show that they were persons employed?—Yes.

8927. And the parties that were going about had the other sort of cards?—Yes.

8298. Did you give instructions to the "Napoleon" man who he was to give refreshments to?—No, we had a gentleman specially appointed to distribute refreshments, and returns were furnished to this gentleman, whose name was Smith, and all who got refreshments had to apply to him.

8299. Did you give him particular instructions as to who was to be allowed to partake of them?—Yes, I did.

8300. So far as you know and believe, did anyone get any who was not actually at work that day?—In reading the newspaper the other day I saw that a man had given evidence that an Irishman came there and got a sandwich; I made inquiry about that, and I found that there was a drunken man forced his way into the room, and Mr. Smith was not able to keep him out; Mr. Smith called for the help of the landlord, and the landlord put him out. With that exception, I know of none other.

Mr. *Price* stated that he had no question to ask the Witness.

[The Witness withdrew.

Mr. JOHN COOKE, sworn; Examined by Mr. *Pope*.

8301. YOU were chairman of the Manningham Ward, I think?—I was the acting chairman.

8302. As far as committee-rooms were concerned, were they, as we have heard in other cases, rooms at which occasional meetings were held?—They were rooms at which meetings were very frequently held.

8303. Were the houses open excepting for that purpose; were they open for drinking at all?—Our committee-rooms were not public-houses; our central committee-room was a school-room called the Carlisle Road School.

8304. When you had committee-rooms in public-houses were those rooms engaged for the purposes of the committee, or were the houses kept open for the purpose of drinking?—Simply for the purposes of the committee.

8305. You were aware of the instructions that were given from the central committee with reference to refreshments on the polling-day?—Yes.

8306. So far as you were able, as chairman of the ward, did you take such means that were possible to ensure attention to those directions?—Most certainly.

8307. And, as far as you knew, they were attend to throughout the ward?—Thoroughly.

8308. Do you know of any instances in which other than workers got refreshments, or were they substantially all workers that had refresh-

ments upon the polling-day?—Our refreshments were very small; they were not required amongst us, and of what were given, nothing was given, to my knowledge, to voters, except as workers.

Cross-examined by Mr. *Price*.

8309. Let me understand; those public-houses were taken as committee-rooms?—Yes, the few we had.

8310. And bills were stuck up, "This is Messrs. Forster and Miall's committee-room"?—Yes.

8311. Then the committee used to meet periodically there, once a week, or something like that?—Once a week and once a fortnight.

8312. And during the rest of the time, of course those were houses to which, very naturally, the supporters of one side or the other could go and discuss politics?—We were not in the habit of doing so.

8313. I do not suppose that you did; but is it not so, that those being known, by bills being stuck up as Forster and Miall committee-rooms, or Ripley's, if you like, when they were not absolutely used as committee-rooms, the political partisans of each party would go and meet there, and talk the thing over?—Not to my knowledge; we simply used them as committee-rooms.

[The Witness withdrew.

Mr. CALVIN ROBERTSHAW, sworn; Examined by Mr. Serjeant *Ballantine*.

8314. ARE you a Stuff Manufacturer, at Allerton?—Yes.

8315. And I believe that you are a voter for the borough of Bradford, and were one of the supporters of Messrs. Miall and Forster?—Yes.

28.

8316. Were you chairman of one of the districts; I think it is the Silsbridge-lane district?—Yes.

8317. How many houses would come under your supervision?—I cannot tell how many houses; but I think there were about 700 voters.

C C

8318. Did

Mr. G. Col
1 February
1869.

Mr.
J. Cooke.

Mr. C.
Robertshaw.

Mr. C. 8318. Did you go at different times to different
Robertshaw. houses?—Yes, I did.

8319. To your knowledge, was there any
February drinking or treating of any kind going on?—Not
1869. to my knowledge, there was not.

8320. You had had your instructions, and, as
far as you could carry them out, did you do so?
—I did my best to do so.

8321. Do you know a person of the name of
Thomas Poole?—No.

8322. Did you hear a person of that name swear
that he had seen you paying for beer for the
company?—Yes, I did.

8323. Was that true?—No.

8324. Did you hear a person of the name of
Michael Freeman say that he had seen you pay-
ing for beer in the "Brown Cow"?—Yes.

8325. Is there a word of truth in that?—Not
a word.

Cross-examined by Mr. Price.

8326. You never paid for any beer during the
whole of the election?—No, only for myself.

8327. Never anywhere?—Never anywhere.

8328. Not a farthing?—It is nonsense coming
down to a couple of glasses.

8329. You know there might have been a
couple of glasses; we had it that Mr. Michael
Mahoney spent twopence, but you never spent
any at all?—No, not that I am aware of.

8330. Not that you are aware of?—I never
did, if that will do for you.

8331. Do you mean that you never spent any
money in drink at all during the election exclu-
sive of what you paid for yourself?—I mean to
say that I never did, only for myself.

8332. During the whole of the election, either
the municipal or the borough?—Well, I do not
know for the municipal; I will tell you all I
know about the municipal, if you like.

8333. How much at the municipal?—The only
ale that I can remember paying for was two gal-
lons of ale during the municipal election.

8334. Are you the gentleman who found the
sea-side residence, at Morecambe, for Jowett?—
No, I am not.

8335. Was it Luther, then?—He will answer
for that.

8336. Did you find the money for a man
named Jowett to go with another to the sea-
side?—I never found him with a halfpenny.

8337. Never paid anything for him?—Never
paid anything for him.

8338. Never heard of it?—I never paid him a
halfpenny.

8339. Never heard of the transaction at all?—
I did hear of it; I know all about it.

8340. Mr. Baron Martin.] If I understand
you, you do not recollect paying for any beer for
any voter, or any person to drink, during the
election?—No.

8341. But, if you did, did you make any
charge for it, as against the committee?—No
never.

8342. You did it merely out of your own
pocket?—If I did it went out of my own pocket;
if it was for a glass of ale or anything of that sort.

8343. Mr. Price.] I may take it that you were
one of the active supporters of Messrs. Forster
and Miall?—Yes.

[The Witness withdrew.]

GEORGE ROBINSON, sworn; Examined by Mr. Serjeant Ballantine.

Robinson. 8344. ARE you the landlord of the "Glad-
stone Arms"?—Yes; the "Gladstone Hotel"
is its right name.

8345. Did you let any room to Forster and
Miall for the election?—Yes.

8346. How long did they have the room?—
The first meeting they had was on the 21st of
August, I believe.

8347. How much was your charge for the
room altogether?—We agreed for 2s. 6d. a
night.

8348. You made that charge?—Yes; they
agreed to give me that, and I agreed to take it.

8349. And you have been paid that?—Yes.

8350. Do you remember the day of the elec-
tion?—Yes.

8351. Did you serve some sandwiches on that
day?—No.

8352. Did you serve anything?—Yes.

8353. What did you serve?—I served meat
and bread and some beer to men that were sent
down to the committee-room, that were working
there.

8354. Were they men whom you considered
and believed to be working men?—Yes.

8355. Let me ask you what were your instruc-
tions in relation to persons whom you were to
give anything to?—I got instructions from Mr.
Lobley, the chairman, that I was to let those
men have it that he sent down, should he come
himself with them, or another man with them,
and not anybody else.

8355.* You obeyed those instructions, did
you?—Yes.

8356. Mr. Baron Martin.] As far as you know,
no refreshment was given to anybody but people
who were actually at work?—No.

8357. Mr. Serjeant Ballantine.] A man of the
name of Poole has been examined; did you hear
him?—I have read his evidence in the paper,
else I did not hear him.

8358. Did any such person offer to pay, and
did you refuse to take the money?—Not that I
am aware of; I do not know the man, so I can-
not say anything about it; but I never refused
money of anybody that came in and called for a
glass of beer.

8359. Did you ever refuse money of anybody
from whom you could get it?—No.

Cross-examined by Mr. Price.

8360. You say that the first meeting that was
held for Forster and Miall was on the 21st of
August?—To the best of my knowledge it was.

8361. What would be your charge for that?—
2s. 6d.

8362. When did they meet again?—I cannot
enumerate all the meetings they had, but I can
tell you the number.

8363. How many did they have in October?—
They had 10 committee meetings and one public
meeting altogether.

8364. How many in September?—I cannot
say; I have not got them in my mind.

8365. Have you made a return of them?—
Yes.

8366. Did

8366. Did you make out an account?—Yes, I made out an account.

8367. Let me look at the account that was made out for the hire of rooms; how many men were in and out of your house that day when you served refreshments according to Mr. Lobley's orders?—I cannot say how many there was; I know there was a good deal of people in and out, but I believe there was about 38 stationed at our house.

8368. Committeemen?—Committeemen, messengers, and what not.

8369. Voters and non-voters?—I do not know whether they were voters or not; I did not know the parties, all of them.

8370. Then you gave refreshments indiscriminately?—No.

8371. You gave them, but whether they were voters or not voters you did not know?—I gave what was sent down to me for something.

8372. But you did not know whether they were voters or not?—I did not know whether they were voters or not.

8373. You say that you cannot tell me how many meetings there were in September; how many were there in October?—I cannot tell what the time was that the meetings were held.

8374. How many do you think were held in your house?—I can tell the number altogether; there were 10 committee meetings and two public meetings.

8375. Was that all?—Yes.

8376. From the 21st of August until after the election?—From the 21st of August till the day of the election.

8377. Mr. Serjeant *Ballantine*.] Lobley, I think, is the name of the person upon whose orders you acted?—Yes.

8378. Mr. *Price*.] I should like to see the bill that you sent in?—I think I have got a copy of it in my pocket; only the other was a lump sum and this is more in detail (*handing the bill to the learned Counsel*).

8379. This is a return of 10 committee meetings, from August the 21st to November 17th, 1*l*. 5*s*.: in September, preparing room for committee and platform outside for public meeting, 7*s*. 6*d*.; preparing platform inside and room for public meetings, 5*s*.; refreshments for committee on the day of election, 17*s*. 6*d*.; did you send a copy of that to the central committee-room?—I sent it, but it was in a lump sum.

8380. How was it charged in one sum?—I cannot say exactly how it was worded at present; I did not make it out myself, my son made it out; I did not take much notice how it was worded. The "Gladstone Hotel" is the real name of it; I believe it has generally gone by the name of the "Gladstone Arms" by mistake.

8381. You like the term hotel better?—It happens to be the right name. (*The bill which was sent to the committee was handed to Mr. Price*.)

8382. You sent it in, you say, as a lump sum originally?—Yes, I believe it was so; it was made out by my son.

8383. When did you make out this?—My son has made it out; he said he wanted it that way, and he told me it was a lump sum, that he sent it in before; I did not look at the note he sent to the committee.

8384. I see you put down here, and your son has taken it, I suppose, from your books, "Refreshments for committee, on the day of election, 17*s*. 6*d*."?—Yes, he put down 17*s*. 6*d*., I did not keep any books on the day of the election.

8385.—Where does that appear; how would your son get those figures?—I believe he got them from his memory. I do not say that this is exactly correct. We have not got any book. We put down on a slate the amount that they would have for refreshment, and when the note was made out they were rubbed out again.

8386. When you sent it in, you sent it in merely for the committee rooms?—We sent it in to the committee in a lump sum, as I understood him to say; I never saw the note that he sent to the committee; Mr. Lobley came for it, I believe, and he went upstairs and my son made it out; I do not know that ever I saw it.

8387. Do you know your son's handwriting; is that it (*handing the bill to the Witness*)?—Yes; I believe it is.

8388. You do not know when he made it out; it is dated November 20th?—That would be the day that he made it out on.

8389.—How can you account for the fact that there is nothing charged for refreshments in that bill at all; that it is all put down for use of rooms?—I do not know how he has worded it.

8390. Can you account for that at all?—No, I cannot; I told him what the amount had been for everything when he went to make it out, whether it was for the rent of the rooms, the expense of the platforms, or what not; and I told him what the expense of the refreshments was, and he made it out as a lump sum, as I understood him to say. I believe I never saw that bill before.

8391. "Use of rooms for committees, 3*l*."?—No; not the rent of the rooms, that was not 3*l*. it was 3*l*. altogether.

Mr. Baron *Martin*.] The Witness gives a very reasonable explanation, he told you that it was for the use of the rooms, and the use of those platforms, and for refreshments.

Witness.] Yes, my Lord, that was it.

8392. You did not yourself see what your son put down?—No, I never saw it.

8393. Mr. *Price*.] You told him that something was owing for refreshments, and he put it down all under the head of rooms?—Yes.

8394. Out of 3*l*., 17*s*. 6*d*. was for refreshments?—There is not 3*l*. 17*s*. 6*d*., but the 3*l*. is the sum altogether, there is 17*s*. 6*d*. for refreshments.

8395. The account in detail is, "To 10 committee meetings, from August 21st to November 17th, 1*l*. 5*s*.; September 2nd, preparing room for committee and platform outside for public meeting, 7*s*. 6*d*.; October 15th, preparing platform inside and room for public meeting, 5*s*.; forms borrowed for committee and public meetings, 5*s*.; Refreshments for committee on the day of the election, 17*s*. 6*d*.; Total 3*l*."?—Yes.

8396. The bill was for 3*l*.?—Yes.

[The Witness withdrew.]

G. Robinson.

1 February 1869.

MR. WILLIAM LOBLEY, sworn; Examined by Mr. Serjeant *Ballantine*.

Mr. *W. Loble*. 8397. Are you in Victoria-street, a printer?—Yes.

February, 1869. 8398. And were you chairman of the West Ward?—I was.

8399. There were meetings held at different houses, I believe, in that ward?—There were.

8400. Were you in the habit of attending them or going occasionally to them?—I may state that from the commencement till about the second week, I will not be particular to the date in August, because we had some preliminary meetings before we fairly commenced, to form ourselves into a committee, I attended every meeting and presided till the 23rd of October, I think it would be, and I was present at every meeting.

8401. Was there any treating going on?—Never.

8402.—Is that true which the last witness has said, that at the “Gladstone” hotel those persons who had upon the polling day any refreshments were persons whom you indicated?—Yes; I had 38 stationed with me at the “Gladstone” hotel.

8403. They were persons who were actually engaged in work the whole day?—They were all under my personal superintendence.

8404. Was there any other person to your knowledge served with any drink at all?—Not one that I did not know could get into the room. I sent two secretaries occasionally down with them; they never went unless the secretary went with them.

8405. Mr. Baron *Martin*.] You were careful as to the persons that they were workers only who got refreshments?—I was.

Cross-examined by Mr. *Price*.

8406. Did any of those 38 go and vote?—Yes.

8407. How many?—I cannot say how many.

8408. Yes, come, all of them?—No; I cannot say that they were all voters.

8409. Will you say that they were not all voters?—I will swear that they were not all voters.

8410. How many of them were not?—I cannot say the number that were not.

8411. Will you swear that there were more than three or four that were not?—I cannot say; we had 112 altogether.

8412. One hundred and twelve what?—We had 112 committeemen altogether.

8413. At this one house?—No.

8414. Where at?—They were separated into various houses.

8415. Then there were various houses kept open for committees, were there?—Yes.

8416. How long for?—We commenced, I think, with five in the second week in August, which was continued until October.

8417. Then those houses were kept, five of them, open as committee-rooms from August till October?—Only those where we held our meet-

ings twice a week, on Tuesdays and Fridays, and therefore it was always over a fortnight before we got back again to the same place.

8418. Were they kept open?—They were not kept open; they were at our service at so much per night when we required them.

8419. Mr. Baron *Martin*.] You say that you merely purchased or agreed for the opportunity of going to those rooms when it was convenient for you?—Yes, that is so, my Lord.

8420. Mr. *Price*.] You had the privilege if you had liked, having taken those houses as the committee-houses of Forster and Miall, of going there and using them whenever you chose for committee purposes?—Yes; but we had to pay 2 s. 6 d. per night when we wanted them, and in some cases 5 s.

8421. Had you any contract with those houses, or were they to be paid at so much per night?—We had a contract this way, that for every night that we required the use of the room, and we used always to have the large room upstairs, for committee purposes we should pay in some cases 2 s. 6 d. per night, but I think in two cases, the “Devonshire Arms” being an hotel and the “Britannia,” we should pay them 5 s. per night as their rooms were much larger.

8422. When they sent in their account did they send in an account in detail showing so many nights?—I have not seen the accounts since they were collected; it is some distance of time now from the election, and I merely speak from memory, but the accounts were collected by persons whom I had under me, and I then forwarded them to the ward chairman; he signed the accounts, and they were forwarded to the agents of Messrs. Forster and Miall.

8423. When the accounts were sent in to you, did they show in detail how many nights you had had the rooms?—I cannot say that they did.

8424. Were they sent in as simply a lump sum?—As far as I remember some were and some were not; I will not be positive on that point.

8425. Were they all sent in at a uniform sum?—No, they were not.

8426. Are you sure of that?—I am quite sure of it.

8427. Were those 112 men all voters?—They were not.

8428. How many of them were not?—I cannot speak now, but I might say that 20 at least would not be voters.

8429. Do you mean that when voters applied to be put upon the committee they were not put upon the committee?—They were not; we required a person's name to be proposed by a person present at the meeting; then the names were put by the chairman to the meeting; if the meeting sanctioned the names being added, then we put down the names; that is the way we added the name to the committee.

[The Witness withdrew.]

LEVI ALDERSON, recalled; further Examined by Mr. *Pope*.

Alderson. 8430. You gave evidence the other day for the Petitioners, I believe?—Yes.

8431. You told my learned friend, Mr. *Price*, that you were a voter, not on the committee, and

not a canvasser, but that you received some refreshment. Without asking you any question, is there any explanation, or any statement which you wish to make in addition to that?—Yes, I went

went the night before the election to the Farm House.

8432. Were you, in fact, a worker in bringing folks up to the poll?—Yes, I was.

Cross-examined by Mr. Price.

8433. You were a worker?—Yes.

8434. You were sworn the other day?—Yes.

8435. And you know what an oath means?—Yes.

8436. Did you swear the other day that you were on no committee?—Yes.

8437. Were you on any committee?—I am not aware that I was on any committee.

8438. Were you a canvasser?—No.

8439. Did you get refreshments?—I got one cup of coffee and one sandwich.

8440. And were other voters getting refreshments at the same time?—There was one besides myself got the same.

8441. Mr. Pope.] On the polling day?—Yes.

8442. Mr. Price.] You have been asked by my learned friend whether you were a worker, and you say you were; will you be good enough to tell us what work you did?—I was working assisting a canvasser of the name of John Noble, helping to get up voters on the polling day.

8443. What voters did you go with Noble to see; I should like to know the name of any one?—We did not get one.

8444. Who did you go to look for?—I do not know; there was a man—

8445. That you call working; you did not know what you were going to work for, but you walked down the street with Noble?—We went to the men that had been canvassed, but there was none of them at home, they were all off.

8446. Tell me the name of any one that you called upon?—I cannot just now.

8447. It was said that you desired to make an explanation; to whom did you express the desire to make an explanation, since you were here on Saturday?—To nobody.

8448. How did my learned friend on the other side know that you wanted to make an explanation?—I cannot say for that.

8449. How did you happen to come here to-day; was it out of your own head that you came?—Yes, I have been two or three days here; I was here on Friday and on Saturday.

8450. Did you come here to-day without letting them know on the other side that you wished to make an explanation?—Yes.

8451. It is quite hap-hazard that you came?—I intended to come here to-day.

8452. Did you tell anybody on the other side that you intended to come?—I did not.

8453. Are you not rather surprised to find yourself in the witness-box again?—Rather; I did not expect being called upon a second time, I am sure.

[The Witness withdrew.

Mr. LOCKWOOD STEVENSON, sworn; Examined by Mr. Serjeant Ballantine.

8454. You are a Butcher?—Yes.

8455. I just want to ask you, were you the person who obtained the bill from Mrs. Hill?—Yes; I was.

8456. Do you remember how it was charged when you got it?—Yes; I do.

8457. Did you suggest any alteration?—I mentioned it to the secretary and the ward chairman, and they stated that the amount was excessive for beer. I then objected to it very much, and it was agreed, considering the time we had been there, and the trouble we had given them, that we ought to allow them something more than what they had put down according to the first agreement for the charges for rooms; the amount I considered myself was more than one-half above what we have had for refreshment.

8458. Was the alteration then made by your suggestion?—Yes; it was.

8459. I suppose you did not consult Mr. Wade, or anybody else of that kind, about it?—No; I never had any communication with Mr. Wade.

8460. That is the fact, and that is how it was?—Yes.

8461. Did you know of anything being supplied there, or was anything supplied there by your orders, with a view to treat anybody?—No; not at all.

Cross-examined by Mr. Price.

8462. What were you at this place?—I was one of the vice-chairmen.

8463. Whose are those figures in pencil at the back of this account (*handing an account to the Witness*)?—I do not know.

8464. They were not made by you?—No.

8465. Were you in communication with Mr. Kemp about it?—No; I was not.

28.

8466. Never at all?—No.

8467. Is not that Mr. Kemp's handwriting at the back?—I think that is my handwriting (*pointing out the same*).

8468. Are the figures yours?—No.

8469. Why did you put Mr. Kemp's name at the back?—Perhaps merely to direct the party who had to get it; I was told to send the account to Mr. Kemp.

8470. That is the way in which it was divided. There had been 1 l. 5 s. for rooms?—That was the original account brought to me.

8471. £. 1. 5 s. for rooms, and 13 l. 15 s. for refreshments?—Yes.

8472. What did you engage the room at when you took it?—Two-and-sixpence a night.

8473. How many nights were you there?—Nine or 10 nights.

8474. The exact time that she charged?—Yes.

8475. What did you do that gave her a great deal of trouble beyond holding your committee meetings there?—It was our central committee-room.

8476. You intended it to be so, and you told her so?—No, it was the general charge throughout; half-a-crown a night; and seeing that we had made the most use of that room, and the largest company met there.

8477. Had you been there more nights than at any other committee-room?—It was a larger room and a larger house.

8478. Did you ever tell her before the election was over, that you had given her more trouble, and that you would give her more for the rooms than 2 s. 6 d. a night?—No; only a week before they began to complain to me.

8479. Who began to complain?—Both of them

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Stevenson

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Stevenson.
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complained about it being a poor affair; a dry job. In fact, we had met there for a length of time, and had spent very little. It is one of the poorest of districts; our voters throughout were very poor labouring men. Many a time I have seen when they have come to a meeting they wanted refreshments.

8480. They were committee-men, were they not?—Those were committee-men; I had complaints made several times both by Mr. Hill and Mrs. Hill, and when we have been there the complaint was generally clamouring by the poor people, as they generally were, that there was so much treating going on round about, and nothing for them; I mentioned this to the secretary in my own district, and, I believe, to Mr. Beaumont, though I cannot say for certain; but I talked to the secretary that we had, and I said, "Now pressure is put on in the neighbourhood by the opposite party," for we had been turned out of one place because we were so dry, and we were obliged to take a cottage house. They outbid us with money because we would not give what they wanted; they had 13*l.* for the opposite place, within a very small distance, and I foresaw that we should lose ground; we were losing them like sheep, because they were giving way, and I could not get orders; I told them over and over again that they could not order anything. However, on the Friday evening I went up, and I was again told of it by some of our committee-men and by Mr. Hill; I said, "Well, you have common sense both of you; you must give them a few gallons of beer, I cannot always be with you; it is my market day to-morrow, and you must use your own discretion."

8481. So that you were losing them like sheep, and it was a dry life, and you wanted to turn it into a wet one?—No.

8482. Mr. Baron *Martin*.] You did not give them any beer, as I understand?—No.

8483. Mr. *Price*.] You told them that they were to give beer according to their discretion?—I left it to Mrs. Hill; I thought that a few gallons of beer would not make much difference to us, and that the parties, I suppose, were the customers who were coming to the house, both voters and non-voters; I do not know what they were; I cannot say about that.

8484. The persons who you say you were losing like sheep, were they voters?—The cry was general throughout the neighbourhood.

8485. Whom did you mean that you were losing like sheep?—Parties that had promised us, but that were giving way; this was the one cry with our canvassers from the different streets, telling us of this when they met us.

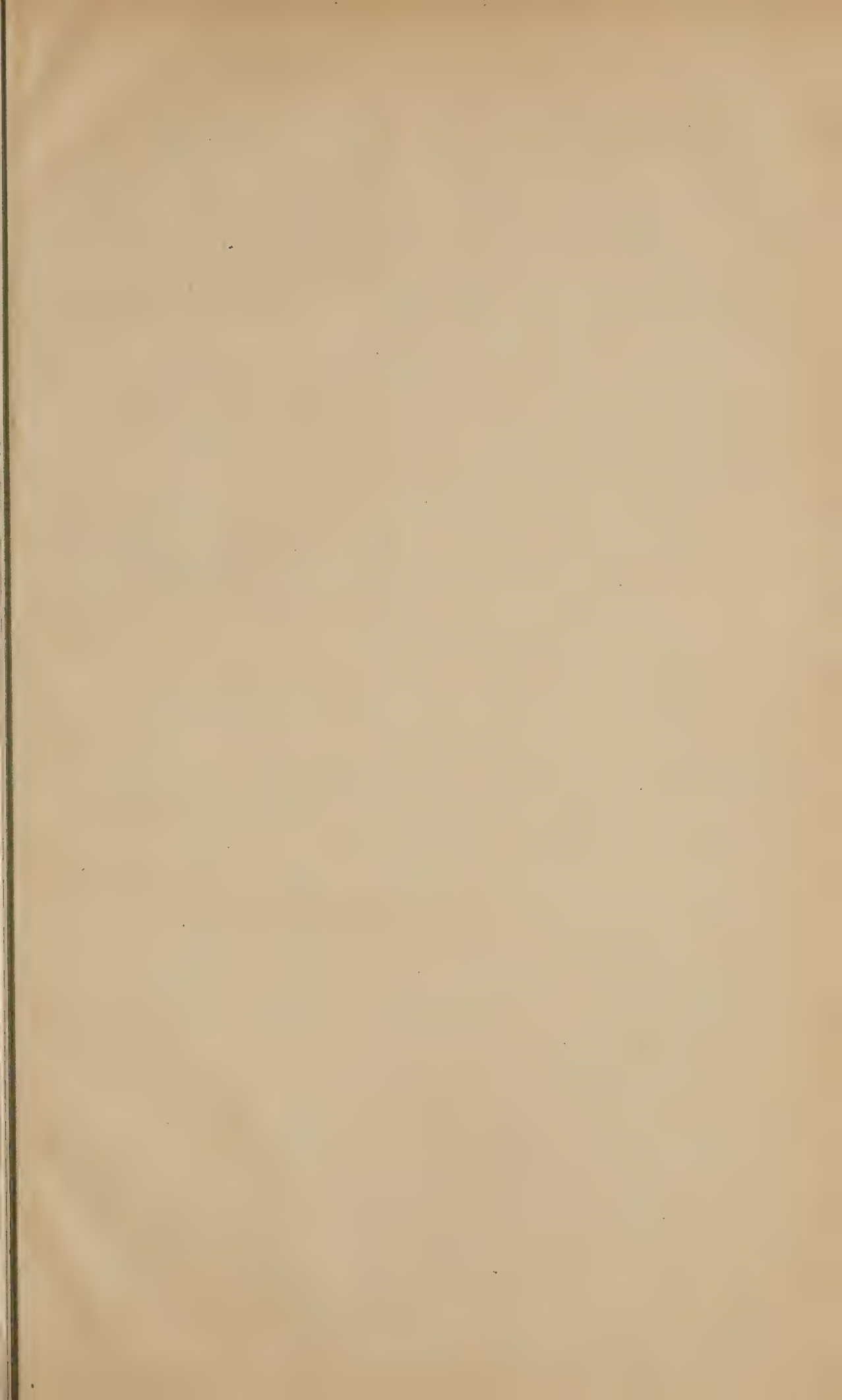
Re-examined by Mr. Serjeant *Ballantine*.

8416. Did you order, or justify anybody to order, a single drop of beer to induce a person to vote, or to abstain from voting?—No.

[The Witness withdrew.

Mr. Serjeant *Ballantine* stated that this concluded the case on behalf of the Respondent, and was heard to address his Lordship in summing up the case.

[Adjourned to To-morrow, at Ten o'clock.



BRADFORD ELECTION.

COPY

OF

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TAKEN AT

THE TRIAL

OF THE

BRADFORD ELECTION PETITIONS.

(1869.)

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